

Studies of
STATE
DEPARTMENTS
OF EDUCATION

**State
Boards of Education
and Chief
State School Officers
THEIR STATUS
AND LEGAL POWERS**

U. S. Office of Education

**BULLETIN 1940 • No. 6
MONOGRAPH No. 1**

FEDERAL
SECURITY
AGENCY
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EDUCATION

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State Boards of Education and Chief State School Officers

THEIR STATUS AND LEGAL POWERS

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Studies of
STATE DEPARTMENTS OF EDUCATION

FEDERAL SECURITY AGENCY - - - **PAUL V. McNUTT, Administrator**
U. S. OFFICE OF EDUCATION - - - **JOHN W. STUDEBAKER, Commissioner**

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON : 1941

For sale by the Superintendent of Documents, Washington, D. C. . . . Price 15 cents

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Foreword

WHEN, by the tenth amendment of the Federal Constitution, there were left to each State of the Union the right and the responsibility to organize its educational system as it saw fit, the way was opened for establishing the beginnings of State policy with reference to public education. Moreover, the grants of land made for educational purposes and the creation of school funds, in the use of which local district shared, brought early into the educational picture some form of State regulation. The receipt of aid from the State was accompanied by the necessity of making reports to the State, and this in turn evolved into compliance with other State demands as well. As a result, State officials were appointed to receive reports from the school corporations and to deal with them in matters relating to the apportionment of funds and other items of State policy.

The early duties of the officers thus appointed were largely clerical, statistical, and advisory with reference to the application of the State school law. But out of them grew the comprehensive structure of the modern State education department, with its chief State school officer acting in many cases as executive officer of the State board of education. Today myriad responsibilities of administrative, supervisory, and advisory services replace the original simple functions of tabulation of records and management of funds. State educational administration has become a challenging opportunity for exercising constructive leadership in the State's educational affairs.

Because of the individual authority of each State for its own educational program, practices and policies differ widely among them on many respects. Yet in the midst of differences there are also common elements of development. The United States Office of Education, in presenting this series of monographs, has attempted to point out those common elements, to analyze the differences, and to present significant factors in State educational structure. In so doing, it accedes to the requests of a large number of correspondents who are students of State school administration and who have experienced the need for the type of material offered in this series.

The sources of information have taken the form of both documentary evidence and personal interviews. During the year 1939, more than 20 representatives of the Office of Education were engaged in visiting State education departments throughout the country, conferring in each case with the chief State school officer and his assistants. Working in "teams" of from 2 to 7 persons, they spent several days at the State offices of the respective States, seeking accurate and

comprehensive data, gathering all available printed or mimeographed documents, and securing from each member of the department who was available an oral statement of his duties, activities, and problems. Preceding this program of visitation and again preceding the compilation of reports, committees of chief State school officers met in Washington with members of the Office of Education staff, to assist in the drafting of plans, and later in the formulation of conclusions. No effort was spared, either at the time of the visits or in studying and checking data subsequent thereto, to make of the final report for each State a reliable document.

The topics considered in the series include problems of administrative organization and relationships, financial control and assistance, legislative and regulatory standards, and various types of supervisory services. Each has been studied from the point of view of past developments and of organization existing at the time of the visit to the State. For some fields of activity a State-by-State description is given of policies, problems, and practices. For some, selected States are used as examples, with a summary of significant developments and trends in all States. The total series, it is hoped, will prove to be a helpful group of publications relating to the organization and functions of State education departments and of the boards of education to which they are related.

Since education is a State function, State boards of education and chief State school officers have numerous duties to perform and they exercise far-reaching influence in connection with the administration of public education. Therefore, the purposes of this monograph are (1) to show trends in respect to such boards and officers—their qualifications, methods of selection, and term of office—and also their present status; and (2) to set forth the principal powers and duties vested by law in such boards and officers in the respective States.

To the chief State school officers, to members of their respective staffs, and to other State officials who have assisted in furnishing data for this series of monographs, the United States Office of Education expresses its deepest appreciation. Without their wholehearted cooperation the publication of the series could not have been realized. The entire project is an example of coordinated action, both on the part of Office of Education staff members who have participated in it and on the part of State officials who gave so generously of their time and effort to supply the needed information and materials.

BESS GOODYKOONTZ,
Assistant U. S. Commissioner of Education.

Introduction

THIS STUDY of State boards of education and of chief State school officers describes present practices pertaining to such boards and such officers: Method of selection, term and tenure of office, powers and duties, and other matters. In order that tendencies may be noted, the study also includes data to show practices over a number of years.

The sources of information were the State constitutions, the latest published school or session laws, publications of the United States Office of Education, other publications containing source material, and information supplied by chief State school officers or members of their staffs to representatives of the Office when they visited the State departments of education.

Chapter I

The State Board of Education

EACH OF THE STATES has one or more State boards that have educational functions. The term "State boards of education" as used in this study should not, however, be interpreted as applying to all State boards having educational functions, but only to the 39 State boards that exercise some control over elementary and secondary schools. In some instances they also have control over other types of schools.

Beginnings

Just after the close of the Revolutionary War the State of New York was confronted with the problem of administering the colleges and academies of the State which had been authorized by the King of England. The legislature, realizing that provision should be made for directing these institutions, established in 1784 the Board of Regents of the State of New York. This board has continued to exist to the present day, but it was not until 1904 that it was given control over all the public schools of the State. The next State to establish a State board of education, according to Cubberley¹ was North Carolina, in 1825. This board, known as "President and Directors of the Literary Fund," was created coincident with the establishment of a State fund known as the "Literary Fund."

"This body," according to Edgar W. Knight,² "was directed to invest the funds in the stock of any of the State banks or of the United States and to alter and change such investment in any way that would promote their value. The fund thus provided, when sufficiently accumulated, was to be applied to the instruction of the youth of the State in the principles of reading, writing, and arithmetic to be divided among the counties in proportion to their free white population."

Soon after the establishment of the North Carolina board Vermont and Missouri each created a State board of education, but it was not until after the creation of the Massachusetts State Board of Education in 1837 that the movement to create State boards of education began to make headway. The Massachusetts board, although its chief functions were to investigate school conditions and to make recommendations, exerted through its secretary, Horace Mann, such a profound influence upon education in the State that other

¹ Cubberley, E. P. *State School Administration*. New York, Houghton Mifflin, 1927. P. 282.

² Knight, Edgar W. *Public-School Education in North Carolina*. New York, Houghton Mifflin Co., 1916. P. 89.

States began to create State boards of education. Table 1, which has been compiled from information collected by the United States Office of Education from various sources, shows the approximate date the first State board in each of the States now having such board was created.

Table 1.—*Years within which provision was made for State boards of education in 39 States*

	1784	1820-29	1830-39	1840-49	1850-59	1860-69	1870-79	1880-89	1890-99	1900-09	1910-20
	1	2	3	4	5	6	7	8	9	10	11
New York	North Carolina	Connecticut	Arkansas	California	Alabama	Colorado	Arizona	Idaho	Georgia	Pennsylvania	
Vermont	Kentucky	Michigan	Indiana	Florida	Delaware				Montana	Minnesota	
	Massachusetts	Kansas	Louisiana						Oklahoma	Washington	
	Missouri								Wyoming	West Virginia	
	Tennessee										

¹ A Board of Trustees of the Literary Fund in 1816.

Form of Provision

State boards of education have been created either by constitutional or by statutory provision (table 2). Such boards are provided for in the constitutions of 18 States and by statute in 21 States. Constitutions which provide for State boards of education usually stipulate the number of members to compose the board and how the members shall be selected. In some instances, however, the constitutional provisions leave the matter of the number of members and the method of selection for legislative determination.

Table 2.—Form of provision for State boards of education in 39 States

State	Constitutional provision	Statutory provision	State	Constitutional provision	Statutory provision
1	2	3	1	2	3
Alabama		×	Montana	×	
Arizona	×		Nevada		×
Arkansas		×	New Hampshire		×
California	×		New Jersey		×
Colorado	×		New Mexico	×	
Connecticut		×	New York	×	
Delaware		×	North Carolina	×	
Florida	×		Oklahoma	×	
Georgia		×	Oregon		×
Idaho	×		Pennsylvania		×
Indiana		×	South Carolina	×	
Kansas		×	Tennessee		×
Kentucky		×	Texas	×	
Louisiana	×		Utah	×	
Maryland		×	Vermont		×
Massachusetts		×	Virginia	×	
Michigan	×		Washington		×
Minnesota		×	West Virginia		×
Mississippi	×		Wyoming		×
Missouri	×				

Selection and Composition

State boards of education are composed (1) entirely of ex officio members, (2) entirely of appointed or elected members, or (3) partly of ex officio and partly of appointed or elected members. In 15 States the Governor is a member of the board; in 8 States other State officers not engaged in educational work serve ex officio; in 24 States

STATE BOARDS OF EDUCATION

the chief State school officer is ex officio member of the board; in 8 States all or most of the members are ex officio; in 29 States, all or most of the members are appointed by the Governor or elected; in one State all are appointed by the State legislature.

Table 3.—Composition of State boards of education

State	Number of members								
	Ex officio			Appointed or elected		Total			Ex officio and appointed or elected
	Governor	Chief State school officer	Other State officers	Appointed by Governor	Elected	Ex officio	Appointed or elected		
1	2	3	4	5	6	7	8	9	10
Alabama	1	1		9		2	9		11
Arizona ¹	1	1		3		5	3		8
Arkansas	1			7		1	7		8
California				10			10		10
Colorado		1	2			3			3
Connecticut				9			9		9
Delaware				6			6		6
Florida	1	1	3			5			5
Georgia	1			10		1	10		11
Idaho		1		5		1	6		6
Indiana	1	1	1	6		3	6		9
Kansas		1		8		1	8		9
Kentucky		1		7		1	7		8
Louisiana				3	8		11		11
Maryland				7			7		7
Massachusetts				6			6		6
Michigan		1				1	3		4
Minnesota				5			5		5
Mississippi		1	2			3			3
Missouri	1	1	2			4			4
Montana	1	1	1	8		3	8		11
Nevada	1	1			5	2	5		7
New Hampshire	1			7		1	7		8
New Jersey				10			10		10
New Mexico	1	1		5		2	5		7
New York				12			12		12
North Carolina	1	1	5			7			7
Oklahoma		1		6		1	6		7
Oregon	1	1	1			3			3
Pennsylvania		1		9		1	9		10
South Carolina	1	1		7		2	7		9
Tennessee	1	1		9		2	9		11
Texas				9			9		9
Utah		1			9	1	9		10
Vermont				5			5		5
Virginia				7			7		7
Washington		1	3	3		4	3		7
West Virginia		1		6		1	6		7
Wyoming		1		6		1	6		7
Total	15	24	30	210	26	62	235	207	

¹ In addition to the Governor and the chief State school officer, the presidents of the State university and of the 2 State normal schools serve ex officio.

² Appointed by the State legislature, 1 from each of the 9 judicial districts and 3 at large.

³ Selected by regional school board conventions.

⁴ Appointed by the chief State school officer with the approval of the Governor.

A further classification of States by method of selecting State boards reveals that there are at least 8 types of boards (table 4).

Table 4.—Classification of States according to method of selecting State board

Ex officio	Ex officio and appointed by Governor	Appointed by Governor	Ex officio and elected by people	Elected by people and appointed by Governor	Ex officio and elected by school board convention	Ex officio and appointed by chief State school officer ¹	Appointed by State legislature
1	2	3	4	5	6	7	8
Colorado							
Florida							
Mississippi							
Missouri							
North Carolina							
Oregon							
Alabama			California	Michigan	Louisiana	Utah	Wyoming
Arkansas			Connecticut	Nevada			New York
Arizona			Delaware				
Georgia			Maryland				
Idaho			Massachusetts				
Indiana			Minnesota				
Kansas			New Jersey				
Kentucky			Texas				
Montana			Vermont				
New Hampshire			Virginia				
New Mexico							
Oklahoma							
Pennsylvania							
South Carolina							
Tennessee							
Washington							
West Virginia							

¹ With the approval of the Governor.

From 1920 to 1940 there was a decrease in the number of States in which the Governor, other State officers not engaged in educational work, and the chief State school officer served ex officio.

Table 5.—*State officers as ex officio members of State boards of education, 1920 and 1940*

Officers	Number of States	
	1920	1940
Governor.....	18	15
Other State officers not engaged in educational work.....	13	8
Chief State school officer.....	30	24

The trend has been away from the ex officio type of board and toward appointed or elected boards. Since 1900 there has been a gradual decrease in the number of States having State boards of education composed wholly or mostly of ex officio members (table 6).

Table 6.—*Methods of selecting members of State boards of education for certain years, 1890 to 1940*

Method of selection	Number of States using each method					
	1890 ¹	1900 ¹	1910 ¹	1920	1930	1940
1	2	3	4	5	6	7
Wholly or mostly ex officio.....	20	21	20	12	11	8
Wholly or mostly appointed or elected.....	9	10	12	30	29	31
Number of States having State boards.....	29	31	32	42	40	39

¹ Schrammel, Henry E. *The Organization of State Departments of Education*. Columbus, Ohio, Ohio State University Press, 1926. p. 5.

From 1920 to 1940 the number of State boards of education having no ex officio members increased from 7 to 12. The States that eliminated ex officio members were Connecticut, Louisiana, Massachusetts, Texas, and Virginia (table 7).

Table 7.—*States having no ex officio members, and number of appointed or elected members, 1920 and 1940*

State	Number of members		State	Number of members	
	1920	1940		1920	1940
California.....	7	10	Minnesota.....	5	5
Connecticut.....	9	6	New Jersey.....	8	10
Delaware.....	5	6	New York.....	12	12
Louisiana.....	11	11	Texas.....	9	9
Maryland.....	7	7	Vermont.....	5	5
Massachusetts.....	6	6	Virginia.....	7	7

Table 8.—Number of members on State boards of education at certain dates, 1900 to 1940

Number of members	Number of States having each number in—					Number of members	Number of States having each number in—				
	1900	1910	1920	1930	1940		1900	1910	1920	1930	1940
1	2	3	4	5	6	1	2	3	4	5	6
3	9	7	6	6	3	13	—	—	1	1	—
4	2	3	2	2	2	20	—	1	1	—	—
5	6	3	4	3	4	23	—	—	—	—	—
6	2	3	5	3	3	—	1	—	—	—	—
7	4	5	9	9	8	—	31	32	41	41	39
8	1	3	6	3	4	Number of States	5	6	7	7	7
9	2	4	3	6	5	Median	5	7	7	7	7
10	1	—	1	4	4	Mode	5	7	7	7	7
11	2	2	3	3	5	Percent having from 5 to 9 members	48.4	56.0	65.8	58.5	61.6
12	—	1	1	1	1	—	—	—	—	—	—

¹ Schramm, Henry E. Organization of State Departments of Education. Columbus, Ohio, Ohio State University Press, 1926. p. 9.

² Reeder, Ward G. The State Board and State Department of Education. Ohio Education Association, 1939. p. 13.

Term and Tenure of Office

Term of office.—Obviously the term of office of each ex officio State board member terminates at the expiration of the term for which he was chosen, which is usually 2 or 4 years. The term of office expressly provided for appointed or elected members ranges from 2 years in one State to 12 years in one State. From 1920 to 1940 the length of term was changed in very few States (table 9).

Table 9.—Length of term in years of appointed or elected State board members by States—1920 and 1940

States	1920	1940	States	1920	1940
1	2	3	1	2	3
Alabama	12	6	New Hampshire	5	5
Arizona	(1)	(1)	New Jersey	8	8
Arkansas	7	7	New Mexico	4	6
California	4	4	New York	12	12
Connecticut	6	6	Oklahoma	6	6
Delaware	5	3	Pennsylvania	6	6
Georgia	4	6	Rhode Island	6	(1)
Idaho	5	5	South Carolina	4	4
Indiana	4	4	Tennessee	6	6
Kansas	2	4	Texas	(1)	6
Kentucky	4	4	Utah	6	7
Louisiana	5	(1)	Vermont	5	10
Maryland	7	7	Virginia	(1)	4
Massachusetts	3	3	Washington	2	2
Michigan	6	5	West Virginia	6	6
Minnesota	5	5	Wisconsin	5	(1)
Montana	4	4	Wyoming	6	6
Nevada	(1)	4			

¹ Indefinite.

² 4 and 8. 3 appointed by Governor for 4 years; 8 elected for 8 years.

³ Ex officio.

⁴ No State board.

⁵ 2 and 4. Senate appoints 3 for 4 years; State board, 2 for 2 years.

Distribution by the length of term in 1920 and in 1940 for 32 States shows that at each date the modal term was 6 years; that in 1920 the median was 5 years, and in 1940, 6 years; and that in 1920 the average length of term was 5.4 years and in 1940, 5.6 years (table 10).

Table 10.—*Distribution of length of term of appointed or elected board members, 1920 and 1940*¹

Length of term in years	Number of States having terms of length indicated in column 1		Length of term in years	Number of States having terms of length indicated in column 1	
	1920	1940		1920	1940
2	2	1	12	2	1
3	1	2	Indefinite	1	1
4	8	8	Total	33	33
5	7	4	Mode	6	6
6	9	10	Median	5	6
7	2	3	Average	5.4	5.6
8	1	2			
9					
10		1			
11					

¹ Only States having appointed or elected members at each date are included.

Most of the States having appointed or elected State board members provide for overlapping terms so that there may not be a complete change in the personnel of the board at any one time. If the terms of all or of even a majority of the members should expire at the same time an entirely new board, which would know little about the policies of previous boards, might be appointed. Under such circumstances the board, through ignorance of conditions, might ignore existing policies and adopt new ones, thus tending to bring about revolutionary rather than evolutionary changes.

Tenure of office.—Data to show the length of time served by State board members over a long period are not available, but data on the number of years' service by State board members who were in office in 1939 or in 1940 were obtained regarding 119 appointed board members. The number of years served by these members ranges from 1 year for 24 members to 26 years for 1 member. The median years of service is 5 and the average 5.6.

These data agree closely with those compiled by Counts² who found that of 231 State board members the median number of years served was 4.4.

Qualifications for Membership

In 28 of the 39 States having State boards of education the person or persons who select the members of the State board are limited in

² Counts, George S. *The Social Composition of Boards of Education*. Chicago, Ill., University of Chicago, 1927. P. 22.

THEIR STATUS AND LEGAL POWER

certain respects in their selection. Among the restrictions imposed in one or more of the States are: One member from each congressional district; one or more members must be engaged in educational work; no members shall be engaged in educational work; not more than a certain number shall belong to the same political party; shall not be connected with any textbook publishing concern; no person shall be appointed to the board who is in any way subject to its authority; shall not hold any other elective or appointive office in the State.

Legal qualifications and specifications of appointed or elected members of State boards of education are as follows:

Alabama: One member from each congressional district. The members of the board shall be appointed solely for their character and fitness, but no person shall be appointed who is in any way subject to the authority of the board.

Arizona: One city school superintendent, one county school superintendent, one high-school principal.

Arkansas: No school teacher, commissioner of education, member of a county board of education, county or city school superintendent, school director, member of any State board, or teacher in any school or college shall be eligible to appointment or qualification as a member of the State board of education.

Connecticut: At least one member shall be appointed from and reside in each county.

Delaware: No more than three members shall belong to the same political party. No person shall be appointed as a member of the State board who is in any way subject to its authority.

Georgia: One member from each of the 10 congressional districts. No person employed in a professional capacity by a private or public educational institution or by the State department of education shall be eligible to appointment or to serve on the board; no person who is or has been connected with or employed by a book publishing concern.

Idaho: Members to be appointed without reference to locality, to occupation, to party affiliation, or to religion.

Indiana: Of the six appointive members, four to be actively engaged in educational work.

Kansas: One member from the faculty of the University of Kansas or the Kansas State College of Applied Science; one member from among the faculty of the three State Teachers Colleges; one member from the faculty of one of the private endowed or denominational colleges; one county superintendent of public instruction; one city school superintendent; one high-school principal or superintendent from a fully accredited Class A high school; and two members who shall be citizens of the State and engaged in farming, business, or professional occupation.

Kentucky: Appointments to be made on merit and fitness for the position, and without reference to place of residence, party affiliation, or similar considerations. No member at time of appointment or during term of service shall be engaged as a professional educator.

Louisiana: Three appointed by the Governor, one each from districts coextensive with present public service districts; eight elected, one from each congressional district.

Maryland: The members of the board shall be appointed solely because of their character and fitness, but no person shall be appointed to the board who is in any way subject to its authority.

Massachusetts: Two members shall be women and one a school teacher.

Minnesota: No member shall hold any other office elective or appointive under the State, except notary public, or shall be employed in any State institution.

Montana: Four from each of two congressional districts. Not more than four of the appointed members shall be affiliated with the same political party organization.

Nevada: One from each of the educational districts of the State.

New Hampshire: Two members shall be trustees of the University of New Hampshire. Members shall not be technical educators nor professionally engaged in school work.

New Jersey: Not less than two shall be women, not more than one resident of any one county.

New Mexico: Of the five appointive members: The head of some State educational institution, a county superintendent of schools, and one other person actually connected with educational work.

New York: Three more than the existing judicial districts of the State. No person shall at the same time be a regent and a trustee, president, principal, or any other officer of an institution belonging to the university.

Oklahoma: At least two shall be practical school men who have had at least 4 years' experience in actual school work, two of which shall have been in the State of Oklahoma.

South Carolina: One from each congressional district.

Tennessee: Three from each grand division. Each of the two leading parties to be represented by at least three members.

Texas: No member shall be engaged as a professional educator. No member shall be connected with any textbook publisher.

Utah: Elected by school board convention in each of the seven judicial districts.

Vermont: Consideration to be given to the selection of such persons as shall adequately represent all sections of the State.

Washington: The three appointed members to hold life diplomas issued under the authority of the State and to be actively engaged in educational work: One a superintendent of a district of the first class, one a county superintendent, and one a principal of a fully accredited 4-year high school.

West Virginia: Not more than four shall be of the same political party. No appointee of the board shall serve on the board.

Wyoming: At least two members shall be actively engaged in educational work. Different parts of the State to be represented. Not more than four shall be from the same political party. All members of the board shall be persons of mature years, known for their integrity, culture, public spirit, business ability, and interest in public education.

Education.—Although specific educational qualifications such as high-school or college graduation are not prescribed by law in any of the States for State board membership, most State boards for which data are available are composed of members who have attended col-

lege. Of 124 State board members 107, or 86 percent, were reported as having attended college for a time at least, and 17, or 14 percent, as not having had more than high-school education. Only two were reported as having had only an elementary school education.

These percentages are about the same as those reported by Counts,⁴ who found that of 213 State board members 83 percent had passed beyond the secondary school and had attended, for however short a period, institutions of higher education, and that 17 percent had not attended such institutions.

Officers

In general, the laws of the States prescribe who shall be the principal officers of the State boards, or authorize the boards to appoint such officers as are deemed necessary. The titles of officers authorized by law are as follows:

Alabama: Governor, president.

State school superintendent, secretary and executive.

Arizona: Governor, chairman.

State superintendent, secretary.

Arkansas: Governor, chairman.

Commissioner of education, secretary and executive.

California: Board elects one of its members president.

State superintendent, secretary and executive.

Colorado: State superintendent, president.

Connecticut: Board elects one of its members as chairman; appoints such committees as may be convenient and necessary. Appoints a secretary, and may appoint an assistant secretary, neither of whom shall be a member of the board.

State superintendent, executive officer.

Delaware: Board elects one of its members as president and one as vice president.

Superintendent, executive officer.

Florida: Governor shall be president, and State superintendent of public instruction shall be secretary and executive.

Georgia: Board elects one of its members as chairman.

State superintendent, executive secretary.

Idaho: Board makes rules and regulations for its own government.

Indiana: State superintendent, president.

Board elects one of its own members as secretary and treasurer.

Kansas: State superintendent, chairman.

Board elects a secretary, not a member of the board.

Kentucky: Board elects secretary who shall be an employee of the State department.

State superintendent, the executive.

Louisiana: Board elects from its membership a president, a vice president.

State superintendent, secretary.

Maryland: Elects one of its members as president and one as vice president.

State superintendent, secretary, treasurer, and chief executive officer.

⁴Ibid., p. 47.

Massachusetts: Commissioner of education, chairman and executive.

Michigan: State superintendent, secretary and executive.

Minnesota: President chosen by board from its membership.

 State superintendent, the executive.

Mississippi: State superintendent (to preside at all meetings), executive.

Missouri: State superintendent, president.

Montana: Governor, president.

 State superintendent, secretary.

Nevada: Board elects one of the members president.

 State superintendent, secretary.

New Hampshire: Governor names chairman.

 State superintendent, secretary and executive.

New Jersey: State superintendent, secretary and executive.

New Mexico: Governor, president.

 State superintendent, secretary and executive.

New York: Chancellor, vice chancellor, and such other officers as are deemed necessary by the regents, all of whom shall be chosen by ballot by the regents.

 State commissioner, executive.

North Carolina: Governor, president.

 State superintendent, secretary and executive.

Oklahoma: State superintendent, president and executive.

Oregon: Governor, president.

 State superintendent, secretary.

Pennsylvania: Such officers as the State council deems necessary.

 State superintendent, the executive.

South Carolina: Governor, chairman.

 State superintendent, secretary.

Tennessee: Commissioner of education, chairman and executive.

Texas: Board elects one of its own members as president.

 State superintendent, secretary.

Utah: Board elects from its own members a chairman and a vice chairman.

Vermont: Governor biennially designates a member of the board to be its chairman.

 State superintendent, secretary and executive.

Virginia: Elects from its membership a president and elects some person not a member of the board, secretary.

 State superintendent, the executive.

Washington: State superintendent, president.

 Deputy State superintendent, secretary.

West Virginia: Board elects one of its members as president and one as vice president; appoints a secretary.

 State superintendent, the executive.

Wyoming: Board elects a chairman.

 Commissioner of education, secretary.

Number of Board Meetings a Year

In each of the States the number of regular board meetings is either prescribed by law or the board is authorized to hold such meetings as it may deem necessary. In each of the States in which the number of regular board meetings is prescribed special meetings may be called by the president of the board or by a certain number of members.

Data were collected in 19 States to show the total number of board meetings each year from 1936 to 1939, inclusive. During these 4 years there was a total of 641 board meetings in the 19 States. The median was 7 and the average 8.4. These data indicate that in general State boards of education meet oftener than prescribed by law. Such boards, however, do not meet as often as do boards of education in cities having a population of 100,000 or more, the median number of board meetings in cities of this size being 23 a year. The meetings of State boards, however, probably are longer than are those of city boards.

Legal provisions for meetings are as follows:

Alabama: Shall hold a regular annual meeting, and such other meetings as the duties of the board and the needs of the schools may require.

Arizona: Shall hold four regular meetings annually at such time as the board directs. Special meetings may be held at the call of the president.

Arkansas: Shall meet annually on second Monday in September and shall also hold regular quarterly meetings on the second Monday in December, March, and June. Special meetings may be called by the president of the board. In the absence of the president, the commissioner of education shall call a meeting on the request of three members of the board.

California: The board shall meet every 3 months at such time as it may by resolution determine. Special meetings may be called by the president. Upon the request of any four members in writing, the secretary shall call a special meeting.

Colorado: Shall meet on the last Saturday in December each year, and at such other times as may by them be deemed necessary.

Connecticut: Chairman of board shall call a meeting at least once in 6 months and whenever he shall deem it necessary or be requested in writing so to do by three members.

Delaware: Shall hold an annual meeting in July. Other meetings at such times as the duties and business of the board require.

Florida: Shall designate and set aside 1 day each month as a regular meeting day. Special meetings may be held at request of the State superintendent.

Georgia: Shall meet quarterly in regular session and may hold additional meetings at the call of the chairman; provided, that upon the written request of a majority of the members of the board the State superintendent of schools shall call a meeting at any time.

Idaho: Shall hold two regular meetings annually. Special meetings may be called by the president.

Indiana: The board shall meet upon call of the president or a majority of its members at such place as may be designated in the call.

Kansas: Meet at such times as may be determined by the board and at the call of the State superintendent of public instruction.

Kentucky: Board shall meet every 3 months and at such other times as it may by resolution determine. Special meetings may be called by the chairman. Upon request of three members the chairman shall call a special meeting.

Louisiana: Shall meet on or before the first Monday in December of each year and at other times when called by the president.

Maryland: Shall hold its annual meeting on the last Wednesday in May. Other regular meetings shall be held in August, November, and February. Special meetings may be held as the duties and business of the board may require.

Massachusetts: Shall meet at least once a month and at such other times as it may determine by rule and when requested by the commissioner or by any three members.

Michigan: Shall hold at least one meeting each year.

Minnesota: Shall hold an annual meeting in August, and quarterly meetings in addition to the annual meeting. May hold special meetings.

Mississippi: May meet at regular intervals or on call at any time of any member of the board.

Missouri: Meets on call of the president.

Montana: Shall hold quarterly meetings and may hold special meetings at any time it may direct. The president and secretary of the board may also call special meetings.

Nevada: Shall meet at the call of the secretary but shall hold at least two meetings annually and may hold special meetings as the board may direct.

New Hampshire: Shall hold at least six regular meetings each year and such special meetings as may be required.

New Jersey: At such times as the rules of the board may prescribe in each and every month and at such times as in its judgment may be necessary.

New Mexico: No law found on the subject.

New York: The regents may provide for regular meetings and the chancellor, the commissioner of education, or any five regents may at any time call a special meeting of the board.

North Carolina: Shall call at such times as a majority of the members shall appoint, but the Governor may call a meeting at any time.

Oklahoma: Number not specified.

Oregon: Shall meet semiannually.

Pennsylvania: Board shall fix the times of its regular meetings and the manner of calling special meetings.

South Carolina: Shall meet upon the call of the chairman or upon the request of a majority of the members.

Tennessee: Regular meetings shall be held in February, May, August, and November. The chairman may call special meetings.

Texas: Shall meet once every 3 months and at such other times as may be designated by the president, or it may meet at the call of any three members.

Utah: Shall meet at the call of the chairman and at least twice a year.

Vermont: Shall hold four regular meetings annually and shall hold special meetings as required for the performance of its duties. Chairman shall call a special meeting upon written request of any two members.

Virginia: Shall hold meetings upon the call of the president, or upon request of a majority of the members.

Washington: Shall hold an annual meeting in June and may hold special meetings, such special meetings to be called by the superintendent of public instruction.

West Virginia: Shall hold at least six meetings every year. May hold other meetings upon resolution of board, at the call of the president of the board, or of the State superintendent of schools.

Wyoming: Shall meet semiannually. Special meetings may be held as often as the duties of the board require, and the board shall meet at the call of the State superintendent of public instruction or the Governor.

Compensation of Members

In no State are the members of the State board of education paid a salary unless the \$600 a year paid each member of the West Virginia State board may be so regarded. It at least is not a salary for full-time services. In each of the States the appointed or elected members are compensated for expenses incurred in attending board meetings. In 17 States there is also a per diem or a small honorarium paid the non-ex-officio members.

States in which there is a compensation in addition to expenses for State board members are as follows:

Alabama: \$10 for each day of actual service, not to exceed 25 days in any fiscal year.

Delaware: \$25 for each day's attendance at meeting of board, not to exceed 1 day's attendance each calendar month.

Georgia: \$7 per diem.

Idaho: \$100 per year.

Indiana: \$5 per diem.

Kansas: \$5 per day, not exceeding 10 days in any 1 year.

Louisiana: \$10 per diem.

Michigan: \$3 per diem.

Minnesota: \$10 per diem.

New Mexico: \$5 per diem.

Oklahoma: \$6 per diem.

South Carolina: \$4 per diem, not exceeding 20 days a year.

Tennessee: \$5 per diem.

Texas: \$10 per diem.

Utah: \$4 per diem.

Washington: \$5 per diem for special committee work.

West Virginia: \$600 a year.

Residence of Members

Data were compiled to show the size of community in which State board members live in the States having one or more cities with a population of 100,000 or more and having State boards composed wholly or mostly of appointed or elected members. Of 156 board members whose place of residence was ascertained when the State departments were visited or from State educational directories, 28 percent live in cities having a population of 100,000 or more, 15.4 percent in cities having a population of 30,000 to 100,000, 17 percent in cities having a population of 10,000 to 30,000, 21 percent in cities having a population of 2,500 to 10,000, and 18 percent in places having less than 2,500 population. Considering all communities having a population of 2,500 or more as urban and places having less than 2,500 as rural, 81.4 percent of the board members living in States having cities of 100,000 or more population live in urban communities. If only communities having a population of 10,000 or more are considered urban, 60.4 percent of the State board members live in these

communities, and 39.6 percent in the smaller places. Just what proportion of the number of State boards of education should be from large and from small communities no one can say with any degree of certainty.

If State boards of education should be composed of persons who are intimately acquainted with the educational problems of the small cities and of the rural areas, it would seem that on the whole the small places do not have their share of State board members. In some States, however, the small cities and rural areas appear to be well represented. The main point to consider is whether the persons selected have the necessary qualifications for board membership.

Occupations of Appointed State Board Members and Official Positions of Ex Officio Members

Information as to the occupations of members of State boards of education has been compiled for 275 members. Of this number 60 are ex officio and 215 are appointed or elected members. From the data collected the occupations have been classified under seven headings (table 11).

Table 11.—Number and percent of board members having certain occupations

Ex officio members			Appointed or elected members		
Office	Number	Percent	Occupation	Number	Percent
1	2	3	1	2	3
Chief State school officer	24	40.0	(1) Professional:		
Governor	15	25.0	Education	54	25.1
Lieutenant Governor	2	3.3	Law	43	20.0
Secretary of State	6	10.0	Medicine	10	4.7
Attorney general	6	10.0	Editors and publishers	8	3.7
State treasurer	2	3.3	Ministry	2	1.0
State auditor	2	3.3	Engineering	1	.5
In educational work	3	5.0	Total	118	55.0
			(2) Business and manufacturing:		
			Not specified	8	3.7
			Banking and financing	19	8.8
			Merchandising	13	6.0
			Manufacturing	9	4.2
			Total	48	22.7
			(3) Managerial or supervisory	11	5.1
			(4) Housewife	20	9.3
			(5) Agriculture	7	3.2
			(6) Labor	4	1.8
			(7) Miscellaneous	9	4.2
			Total	48	22.3
			Grand total	215	100.0
Total	60	100.0			

It may be noted from table 11 that a majority of the appointed or elected members belong to the professional group and that of the 215 appointed members 25.1 percent are educators. If the ex officio

members engaged in educational work were included, 81, or 30 percent, of the 275 State board members are educators. The legal profession also ranks high in number and percentage of State board members, 43, or 20 percent, of the 215 nonex officio members being lawyers. Data are not available as to the number of ex officio members who were members of the legal profession before they assumed office. If such data were available the number of board members belonging to the legal profession would doubtless be somewhat greater than the number given. The 6 attorneys general would increase the number of lawyers to 49, and the other ex officio members, some of whom doubtless belong to the legal profession, would increase the number of lawyers.

State board members engaged in business or manufacturing constitute 22.7 percent of the 215 appointed or elected members as compared with 55 percent in the professional group. Comparatively few members belong to each of the other occupations listed. The miscellaneous group which comprises 4.7 percent of the 215 members includes several members who have retired and several whose occupations were not definitely reported.

The foregoing data on the whole correspond somewhat closely, although the classification of occupations is not exactly the same, to similar data compiled by Counts⁸ who found that of 252 State board members 53 percent were in professional service, 18 percent were proprietors, 2 percent in managerial service, 1 percent in clerical service, 2 percent in agricultural service, and 24 percent were ex officio members.

Just what proportion of the members of State or other boards of education should be engaged in the professions, in business, or in other occupations no one can say, but no one would advocate that a board of education should be composed almost entirely of educators, lawyers, or of persons of any other professional or vocational group, since a board composed of persons having various occupations doubtless tends to make it more nearly cosmopolitan in its views than one composed almost entirely of persons having the same occupation. No board member, however, should be considered as representing his particular vocation, but as representing all the people of the State. In general, regardless of occupation, a board of education should be composed of persons of sterling character and breadth of mind who possess ability in dealing with private and public affairs; are convinced of the importance of education; have no entangling political alliances; are willing and able to give time and energy to their office; and clearly understand what their duties are. Only board members having such qualifications, can represent every interest and can pass, at board meetings, on the claims of groups or organizations advocating the adoption of certain measures.

⁸ Ibid. p. 22.

Chapter

The Chief State School Officer

Beginnings of the Office

THE OFFICE of chief State school official was not created until many years after the first public schools were established.¹ New York was the first State to establish the office. Its legislature, on June 19, 1812, enacted a law which provided that a superintendent of common schools should be appointed by the council of appointment. This provision, it should be noted, was not made until almost 200 years after the first State (Massachusetts) made State-wide provision for public schools. The delay was not due to lack of interest in education, for this interest was early evidenced by the building of many academies and private and church schools; moreover, many communities everywhere of their own initiative had established public schools even before the State had passed laws requiring them to do so.

Specific needs for the office came urgently to the foreground at just about the time of its first establishment. A short time before this some of the older States had begun to provide permanent State school funds and also had tried the experiment of granting annual State aid. It soon became evident to these States that, if the State school funds were to be correctly applied and made useful to the highest degree, their expenditure must be centrally supervised and controlled in some manner. It was seen that this supervision and control could be best exercised by the appointment or election of some officer who would represent the State in its financial dealings with the local schools.

Moreover, with the growing recognition of the place of the State in educational matters, and because of the developing tendency to increase school legislation, there came a conviction that the legislatures needed to be supplied with reliable information concerning both the state and progress of education; furthermore, they needed to know the plans and wishes of the people concerning education, all of which were necessary to enlightened school legislation. These facts, it was seen, feasibly could be collected and made available by a State school official. Still more, such an officer could be of great service in working throughout the State toward the securing of a deeper and more general interest in education.

¹ Most of the material, pp. 18 to 20, is quoted from or based upon U. S. Department of the Interior, Bureau of Education Bulletin 1924, No. 5, *The Chief State School Official*, ch. 1, by Ward G. Reeder.

Such were the needs which brought forth the first office and secured the creation of the office in the other States in due time. It is to be noted that, so far as is known, the influences for it were entirely native, its creation apparently not having been influenced by the practice in any other country.

Since the New York act establishing the office was the first of its kind in the United States, and clearly shows the early conception of the functions of the office, the law is quoted herewith—

The New York Act

I. Be it enacted by the people of the State of New York, represented in Senate and Assembly, that there shall be constituted an office within the State, known and distinguished as the superintendent of common schools, which superintendent shall be appointed by the council of appointment, and shall be allowed an annual salary of \$300, but not to be under pay until he shall give notice of the first distribution of school money, payable in the same way as is provided for other offices, by the act entitled "an act for the support of government."

II. And be it further enacted, that it shall be the duty of the superintendent aforesaid, to digest and prepare plans for the improvement and management of the common school fund, and for the better organization of common schools; to prepare and report estimates and expenditures of the school moneys, to superintend the collection thereof, to execute services relative to the sale of lands, which now are or hereafter may be appropriated, as a permanent fund for the support of common schools, as may be by law required of him; to give information to the legislature respecting all matters referred to him by either branch thereof, or which will appertain to his office; and generally to perform all such services relative to the welfare of the schools as he shall be directed to perform and shall prior to his entering upon the duties of his office, take an oath or affirmation for the diligent and faithful execution of his trust.

Following New York's establishment of the office several years elapsed before the next State provided for it. This State was Maryland. By an act of February 28, 1826, a State superintendent was to be appointed by the Governor and council whose duties were practically the same as those of the superintendent of common schools in the State of New York. Michigan was the only other State that made provision (1829) for the office before 1830. From 1830 to 1839, 8 other States made provision for the office, and by 1850 the office had been created in 24 States and Territories (table 12).

CHIEF STATE SCHOOL OFFICERS

Table 12.—*Years within which provision was made for office of chief State school officer*

1812-29	1830-39	1840-49	1850-59	1860-69	1870-79	1880-1900
1	2	3	4	5	6	7
New York	Louisiana	Iowa	Minnesota	Colorado	Virginia	Oklahoma
Maryland	Pennsylvania	Rhode Island	Utah	Nevada	Arizona	
Michigan	Tennessee	Indiana	North Carolina	Washington	Delaware	
	Massachusetts	Illinois	Arkansas	West Virginia		
	Ohio	Florida	Alabama	New Mexico		
	Connecticut	New Jersey	Texas	Montana		
	Kentucky	Vermont	Nebraska	South Dakota		
	Missouri	Maine	Kansas	Idaho		
		Mississippi	North Dakota	Georgia		
		New Hampshire	North Dakota	South Carolina		
		Wisconsin	Georgia	Wyoming		
		Oregon				
		California				

In 24 States at one time or another some State official served as ex officio chief State school officer. The following information compiled from Cubberley and Elliott's *State and County School Administration* gives the titles of the ex officio chief State school officers and the dates when such ex officio officers served.

Table 13.—*States that have had ex officio chief State school officers, title of officers, and dates served¹*

State	Title	Years
Alabama	State comptroller	1867-68
Arizona	Governor	1871-79
Arkansas	Secretary of State	1853-61
Colorado	Territorial treasurer	1874-75
Connecticut	Commissioner of school fund	1865-70
	Principal of normal school	1845-49
Delaware	State auditor	1849-65
Florida	Secretary of State	1898-1912
	Registrar of public lands	1845-49
Idaho	Territorial comptroller	1850-61
Illinois	Secretary of State	1875-87
Indiana	State treasurer	1825-54
Louisiana	Secretary of State	1843-51
Maryland	Principal of normal school	1833-47
Minnesota	Chancellor, State University	1868-1902
	Secretary of State	1860-62
Mississippi	Secretary of State	1862-67
	Secretary of State	1846-51
Missouri	Secretary of State	1841-53
	State librarian	1861-65
Nebraska	Territorial auditor	1855-61
New York	Secretary of State	1861-69
Ohio	Secretary of State	1821-54
Oregon	Governor	1840-53
Pennsylvania	Secretary of State	1857-72
Rhode Island	Secretary of State	1834-57
	State treasurer	1838-43
Tennessee	Secretary of State	1835-44
	State treasurer	1844-61
Texas	State treasurer	1871-73
	Territorial auditor	1854-61
Wyoming	State librarian	1869-71
		1873-80

¹ Cubberley, Elwood P., and Elliott, Edward C. *State and County School Administration*. Source Book, Vol. II. New York, The Macmillan Co., 1915 and 1927. p. 283-287.

Method of Provision

The office of chief State school officer is provided for by the State constitution or by statute. Thirty-three States provide for the office in their respective constitutions and 15 by statute (table 14).

Table 14.—*Method of providing for the chief State school officer in each of the 48 States*

States	By con- stitution	By statute only	States	By con- stitution	By statute only
1	2	3	1	2	3
Alabama.....	X		Nevada.....	X	
Arizona.....	X		New Hampshire.....		X
Arkansas.....		X	New Jersey.....		X
California.....	X		New Mexico.....	X	
Colorado.....	X		New York.....		X
Connecticut.....		X	North Carolina.....	X	
Delaware.....		X	North Dakota.....	X	
Florida.....	X		Ohio.....	X	
Georgia.....	X		Oklahoma.....	X	
Idaho.....	X		Oregon.....	X	
Iowa.....		X	Pennsylvania.....	X	
Illinois.....	X		Rhode Island.....		X
Indiana.....	X		South Carolina.....	X	
Kansas.....	X		South Dakota.....	X	
Kentucky.....	X		Tennessee.....		X
Louisiana.....	X		Texas.....		X
Maine.....		X	Utah.....	X	
Maryland.....		X	Vermont.....		X
Massachusetts.....		X	Virginia.....	X	
Michigan.....	X		Washington.....	X	
Minnesota.....		X	West Virginia.....	X	
Mississippi.....	X		Wisconsin.....	X	
Missouri.....	X		Wyoming.....	X	
Montana.....	X				
Nebraska.....	X				

The constitutional provisions for the office are included in the articles providing for executive departments or in the articles relating to education. The following is an example of the first-named type of constitutional provision: "The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, and a Superintendent of Public Instruction" (Constitution of Pennsylvania, Art. IV, Sec. I).

The following is an example of the constitutional provisions included in the article relating to education: "The General Assembly shall provide for the election, by the voters of the State, of a Superintendent of Public Instruction who shall hold office for two years and whose duties shall be prescribed by law" (Constitution of Indiana, Art. VIII,

sec. 8). The first State to make constitutional provision for the office was Michigan (1835). Since that time 36 other States have provided in their respective constitutions for the office (table 15). Four States (Arkansas, Iowa, Maryland, and Texas) at one time had constitutional provisions for the office but now provide for it by statute only.

Table 15.—*Year in which constitutional provision was made for chief State school officer*¹

1835-51		1857-76		1889-1912	
1	2	1	2	1	2
Michigan	1835	Oregon	1857	Montana	1889
Iowa ²	1847	Kansas	1859	North Dakota	1889
Wisconsin	1848	West Virginia	1863	South Dakota	1889
California	1849	Nevada	1864	Washington	1889
Kentucky	1850	Maryland ³	1864	Wyoming	1889
Indiana	1851	Missouri	1865	Idaho	1890
		Alabama	1865	Utah	1896
		North Carolina	1868	Oklahoma	1907
		South Carolina	1868	Arizona	1912
		Louisiana	1868	New Mexico	1912
		Georgia	1868	Ohio	1912
		Florida	1868		
		Arkansas ³	1868		
		Mississippi	1869		
		Texas ³	1869		
		Illinois	1870		
		Virginia	1870		
		Pennsylvania	1873		
		Nebraska	1875		
		Colorado	1876		

¹ Dates given in U. S. Department of the Interior Bureau of Education Bulletin 1924, No. 5, *The Chief State School Officer*, p. 15.

² Only statutory provision for office at present.

Official Designation of Officer

The term chief State school officer is used in this publication and in others of the U. S. Office of Education, since the use of the term superintendent of public instruction or commissioner of education or some other title does not apply to the office in all the States. At present there are nine different titles for the chief State school officer: The title *superintendent of public instruction* is used in 27 States; *commissioner of education* in 10; *superintendent of education* in 3; *superintendent of schools* in 2; *director of education* in 2; *superintendent of public instruction and director of education* in 1; *superintendent of public education* in 1; *superintendent of public schools* in 1; and *superintendent of free schools* in 1.

Superintendent of public instruction has been the title generally used, but in 1940 it was used in 5 fewer States than in 1900. *Commissioner of education* is a title that has come into use since 1900 and is now the title of 10 of the chief State school officers. *Superintendent of public instruction and director of education*, which was not used in 1920, is now used in 1 State, and *director of education*, which was not used in 1920, is now the title of the chief State school officer in 2 States.

The titles of the chief State school officers and the number of States using the title in 1900, 1920, and 1940 are presented in table 16, and the title used in each of the States is presented in table 17.

Table 16.—*Titles of the chief State school officers and number of States using titles, 1900, 1920, and 1940*

Title	Number of States using specified titles in—		
	1900	1920	1940
1	2	8	4
Superintendent of public instruction	32	28	27
Superintendent of education	4	4	3
Secretary of State board	4		
Superintendent of public schools	3	2	1
Commissioner of common schools	1		
Commissioner of public schools	1		
School commissioner	1		
Superintendent of free schools	1	1	1
Superintendent of public education	1	1	1
Commissioner of education		9	10
Superintendent of schools		3	2
Superintendent of public instruction and director of education			1
Director of education			2

Table 17.—Official designation of principal State school officers in 48 States, 1900, 1920, and 1940

State	Official designation in—		
	1900	1920	1940
Alabama	Superintendent of education	Superintendent of education	Superintendent of education.
Arizona	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Arkansas	do	do	Commissioner of education.
California	do	do	Superintendent of public instruction
Colorado	do	do	and director of education.
Connecticut	Secretary of State board of education	Commissioner of education	Superintendent of public instruction.
Delaware	do	do	Commissioner of education.
Florida	Superintendent of public instruction	Superintendent of schools	Commissioner of education.
Georgia	School commissioner	do	Superintendent of schools.
Idaho	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Illinois	do	do	Superintendent of public instruction.
Indiana	do	do	Do.
Iowa	do	do	Do.
Kansas	do	do	Do.
Kentucky	do	do	Do.

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Table 17.—Official designation of principal State school officers in 48 States, 1900, 1920, and 1940—Continued

State	Official designation in—		
	1900	1920	1940
1	1	2	4
Louisiana	Superintendent of public education	Superintendent of public education	Superintendent of public education.
Maine	Superintendent of public schools	Superintendent of public schools	Commissioner of education.
Maryland	Secretary, State board of education	Superintendent of schools	Superintendent of schools.
Massachusetts	do	Commissioner of education	Commissioner of education.
Michigan	Superintendent of public instruction	Superintendent of public instruction.	Superintendent of public instruction.
Minnesota	do	Commissioner of education	Commissioner of education.
Mississippi	Superintendent of education	Superintendent of education	Superintendent of education.
Missouri	Superintendent of public schools	Superintendent of public schools	Superintendent of public schools.
Montana	Superintendent of public instruction	Superintendent of public instruction	Superintendent of public instruction.
Nebraska	do	do	Do.
Nevada	do	do	Commissioner of education.
New Hampshire	do	do	Commissioner of education.
New Jersey	do	do	Do.
New Mexico	do	Superintendent of public instruction	Superintendent of public instruction.
New York	do	Commissioner of education	Commissioner of education.
North Carolina	do	Superintendent of public instruction	Superintendent of public instruction.
North Dakota	do	Superintendent of public instruction	Superintendent of public instruction.
Ohio	Commissioner of common schools	do	Director of education.
Oklahoma	Superintendent of public instruction	do	Superintendent of public instruction.
Oregon	do	do	Do.

Pennsylvania	Superintendent of public instruction Commissioner of public schools Superintendent of education Superintendent of public instruction do	Superintendent of public instruction Commissioner of education Superintendent of education Superintendent of public instruction do	Superintendent of public instruction Director of education Superintendent of education Superintendent of public instruction Commissioner of education
Rhode Island	do	do	Superintendent of public instruction Commissioner of education
South Carolina	do	do	Superintendent of education Superintendent of public instruction
South Dakota	do	do	Superintendent of education Superintendent of public instruction
Tennessee	do	do	Superintendent of education Commissioner of education
Texas	do	do	Superintendent of public instruction Commissioner of education
Utah	do	do	Superintendent of public instruction Commissioner of education
Vermont	do	do	Superintendent of public instruction Commissioner of education
Virginia	do	do	Superintendent of public instruction Commissioner of education
Washington	do	do	Superintendent of public instruction Commissioner of education
West Virginia	do	do	Superintendent of free schools Superintendent of public schools Superintendent of public instruction
Wisconsin	do	do	Superintendent of free schools Superintendent of public schools Superintendent of public instruction
Wyoming	do	do	Superintendent of free schools Superintendent of public schools Superintendent of public instruction

Selection

For many years authorities on State school administration have been saying, and State school survey commissions have been recommending that the chief State school officer should be appointed by the State board of education, or in the absence of a State board by the Governor. Their advocacy of an appointed chief State school officer has, however, received but little attention from State legislatures, judging by the number of States in which the chief State school officer is still elected by popular vote. In 1896 this official was elected by popular vote in 31 States, in 1909 in 32 States, in 1920 in 34 States, in 1930 in 33 States, and in 1940 in 32 States.

Six different² methods of selecting the chief State school officer have been used at various times since the office was first established, namely: (1) Election by popular vote; (2) appointment by the general assembly; (3) appointment by the State board of education; (4) appointment by the Governor; (5) appointment by the chancellor of the State university; and (6), appointment by the State supreme court. The first four of these have been fairly widely used at one time or another. The last two have been resorted to by one State (Utah) only, and in this State only temporarily.

In the early days of the office appointment by the general assembly and by the Governor were popular methods. The first of these two methods has been used by as many as 12 States (Alabama, Missouri, North Carolina, Ohio, Oregon, Rhode Island, Tennessee, Vermont, Washington, Virginia, and West Virginia). No State now uses this method. Appointment by the Governor has been used more frequently than appointment by the general assembly. Twenty-four States have used the second method: Arizona, Colorado, Delaware, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, and Virginia. At present 8 States use this method: Maine, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, and Virginia.

Only three methods of selecting the chief State school officer are now in use: (1) Election by popular vote; (2) appointment by the State board of education; and (3), appointment by the Governor. Of these three methods, appointment by the State board of education was used in 5 more States in 1940 than in 1896, as may be noted from table 22; but even so the chief State school officer is appointed by the State board of education in only 8 States, Arkansas, Connecticut, Delaware, Maryland, Minnesota, New Hampshire, New York, and Vermont.

² U. S. Department of the Interior, Bureau of Education, Bulletin 1934, No. 5, The Chief State School Official, by Ward G. Reeder.

Table 18.—*Methods of selecting chief State school officers for certain years, 1896 to 1940*

Method	Number of States by years				
	1896	1909	1920	1930	1940
	2	3	4	5	6
By people					
By State board	31	33	34	33	32
By Governor	3	4	8	8	8
By general assembly	9	9	6	7	8
No chief State school officer	3	1			
	2	1			

Since 1920 the changes in the method of selecting the chief State school officer have been too few to indicate trends during the 20-year period. The elective method, however, was abandoned in 2 States, Arkansas and Virginia. Arkansas now provides for appointment by State board, and Virginia by the Governor. One State, Rhode Island, changed from appointment by the State board to appointment by the Governor.

One reason why the elective method of selecting the chief State school officer still obtains in so many States is because 30 of the 33 State constitutions provide for election by popular vote, and only 3 (Ohio, Pennsylvania, and Virginia) for appointment by the Governor. None of the State constitutions provide for appointment by the State board of education. In 8 of the 15 States that have only statutory provision providing for the selection of the chief State school officer he is appointed by the State board of education, in 5 by the Governor, and in 2 he is elected by popular vote. It thus appears that in those States in which the legislatures are free to prescribe the method of selecting the chief State school officer, they have with only two exceptions provided for appointment by the State board or the Governor.

The methods used by each State at different times since 1896 are shown in table 19.

Table 19.—*Methods of selecting chief State school officers by States, 1896, 1909, 1920, and 1940*

States	1896	1909	1920	1940
	2	3	4	5
Alabama	People	People	People	People
Arizona	Governor	Governor	do	do
Arkansas	People	People	do	State board
California	do	do	do	People
Colorado	do	do	do	Do
Connecticut	State board	State board	State board	State board
Delaware	No office	No office	do	Do
Florida	People	People	People	People
Georgia	do	do	do	Do
Idaho	do	do	do	Do

Table 19.—*Methods of selecting chief State school officers by States, 1896, 1909, 1920, and 1940—Continued*

States	1896 ¹	1909 ¹	1920	1940
Illinois.....	People.....	People.....	People.....	People.....
Indiana.....	do.....	do.....	do.....	Do.....
Iowa.....	do.....	do.....	do.....	Do.....
Kansas.....	do.....	do.....	do.....	Do.....
Kentucky.....	do.....	do.....	do.....	Do.....
Louisiana.....	do.....	do.....	do.....	Do.....
Maine.....	Governor.....	Governor.....	Governor.....	Governor.....
Maryland.....	No office.....	do.....	State board.....	State board.....
Massachusetts.....	State board.....	State board.....	Governor.....	Governor.....
Michigan.....	People.....	People.....	People.....	People.....
Minnesota.....	Governor.....	Governor.....	State board.....	State board.....
Mississippi.....	People.....	People.....	People.....	People.....
Missouri.....	do.....	do.....	do.....	Do.....
Montana.....	do.....	do.....	do.....	Do.....
Nebraska.....	do.....	do.....	do.....	Do.....
Nevada.....	do.....	do.....	do.....	Do.....
New Hampshire.....	Governor.....	Governor.....	State board.....	State board.....
New Jersey.....	do.....	do.....	Governor.....	Governor.....
New Mexico.....	do.....	do.....	People.....	People.....
New York.....	General assembly.....	Board of regents.....	Board of regents.....	Board of regents.....
North Carolina.....	People.....	People.....	People.....	People.....
North Dakota.....	do.....	do.....	do.....	Do.....
Ohio.....	do.....	do.....	Governor.....	Governor.....
Oklahoma.....	Governor.....	do.....	People.....	People.....
Oregon.....	People.....	do.....	do.....	Do.....
Pennsylvania.....	Governor.....	Governor.....	Governor.....	Governor.....
Rhode Island.....	State board.....	State board.....	State board.....	Do.....
South Carolina.....	People.....	People.....	People.....	People.....
South Dakota.....	do.....	do.....	do.....	Do.....
Tennessee.....	Governor.....	Governor.....	Governor.....	Governor.....
Texas.....	People.....	People.....	People.....	People.....
Utah.....	do.....	do.....	do.....	Do.....
Vermont.....	General assembly.....	General assembly.....	State board.....	State board.....
Virginia.....	do.....	People.....	People.....	Governor.....
Washington.....	People.....	do.....	do.....	People.....
West Virginia.....	do.....	do.....	do.....	Do.....
Wisconsin.....	do.....	do.....	do.....	Do.....
Wyoming.....	do.....	do.....	do.....	Do.....

¹ U. S. Department of the Interior, Bureau of Education, Bulletin 1924, No. 5, *The Chief State School Official*, p. 26.

Term and Tenure of Office

Term of office.—It is the policy of 43 States to fix by constitution or by statute the length of term for which the chief State school officer is appointed or elected. In a few of the States he serves at the pleasure of the State board of education. The term of office provided by law varies from 1 to 6 years. In all there are seven different lengths of terms for which chief State school officers are elected or appointed. These terms, in order of their frequency and the number of States having each, are: 4 years in 25 States; 2 years in 13 States; indefinite tenure in 5 States; 5 years in 2 States; 6 years in 1 State; 3 years in 1 State; and 1 year in 1 State.

Table 20.—Term of office of chief State school officer for certain years, 1896-1940

Term in years	Number of States having terms stated in column 1					Term in years	Number of States having terms stated in column 1				
	1896	1909	1920	1930	1940		1896	1909	1920	1930	1940
1	2	3	4	5	6	1	2	3	4	5	6
2	3	3	2	2	1	5	1	2	2	2	2
3	21	19	14	13	13	6	1	1	1	1	1
4	5	3	1	1	1	Indefinite	4	4	4	4	5
	17	20	24	25	25						

From 1896 to 1920 there was a rather decided movement to lengthen the term. During that period seven States increased the term to 4 years, two to 5 years, one to 6 years, and four to indefinite tenure. Since 1920 there has been practically no change, only two States having increased the length of term. The average length of term increased from 2.7 years in 1896 to 3.4 years in 1940. In order that tendencies in each State may be noted, the length of term for selected years for each of the States is shown in table 21.

Table 21.—Term of office of chief State school officers in each of the States, selected years 1896-1940

State	1896	1909	1920	1940	State	1896	1909	1920	1940
1	2	3	4	5	1	2	3	4	5
Alabama	2	4	4	4	Nevada	4	4	4	4
Arizona	2	2	2	2	New Hampshire	2	2	(1)	(1)
Arkansas	2	2	2	2	New Jersey	3	5	5	5
California	4	4	4	4	New Mexico	2	2	4	2
Colorado	2	2	2	2	New York	3	6	(1)	(1)
Connecticut	1	1	(1)	(1)	North Carolina	3	3	4	4
Delaware	(1)	(1)	1	1	North Dakota	2	2	2	2
Florida	4	4	4	4	Ohio	3	2	4	4
Georgia	2	2	2	2	Oklahoma	2	4	4	4
Idaho	2	2	2	2	Oregon	4	4	4	4
Illinois	4	4	4	4	Pennsylvania	4	4	4	4
Indiana	2	2	2	2	Rhode Island	1	1	1	(1)
Iowa	2	2	4	4	South Carolina	2	2	2	4
Kansas	2	2	2	2	South Dakota	2	2	2	2
Kentucky	4	4	4	4	Tennessee	2	2	2	2
Louisiana	4	4	4	4	Texas	2	2	2	2
Maine	3	3	3	3	Utah	4	4	4	4
Maryland	(1)	4	4	4	Vermont	2	2	(1)	(1)
Massachusetts	1	1	5	5	Virginia	4	4	4	4
Michigan	2	2	2	2	Washington	4	4	4	4
Minnesota	2	2	6	6	West Virginia	4	4	4	4
Mississippi	4	4	4	4	Wisconsin	4	4	4	4
Missouri	4	4	4	4	Wyoming	4	4	4	4
Montana	4	4	4	4					
Nebraska	2	3	2	4					

¹ Indefinite term.

² No officer.

Table 22.—*States which made changes in length of term of the chief State school officer, 1896 to 1940*¹

Change from—	To 4-year term	To 5-year term	To 6-year term	To indefinite term
1	2	3	4	5
1-year term		Massachu- setts.		Connecticut. Rhode Island. New Hampshire. Vermont.
2-year term	Alabama. Iowa. Nebraska. Oklahoma.		Minnesota.	
3-year term	North Carolina. Ohio.	New Jersey.		New York.

¹ During the period, New Mexico changed from a 2-year term to a 4-year term and then to a 2-year term; Ohio, from a 3-year term to a 2-year term, and then to a 4-year term; and Nebraska, from a 2-year term to a 3-year term, and then to a 4-year term.

Length of service.—Within about 40 years 301 different persons in the 48 States have held the office of chief State school officer. Of this number 69 held the office for 2 years or less; 18 for 3 years; 68 for 4 years; 23 for 5 years; 26 for 6 years; 19 for 7 years; 23 for 8 years; 6 for 9 years; 7 for 10 years; and 42 for more than 10 years. One served for 32 years, and 2 for 30 years each. The average for the 48 States is 5.7 years. This average for the 40-year period is practically the same as for a 27-year period covered by a study made by the United States Office of Education in 1923, the average for the 27 years, 1896 to 1923, being 5.4 years.

Table 23.—*Number of chief State school officers who have held office since about 1900, average number of years served, and longest tenure*

State	Number who have held office	Average number of years served	Longest tenure in years	State	Number who have held office	Average number of years served	Longest tenure in years
1	2	3	4	1	2	3	4
Alabama	11	3.5	7	Nevada	6	6.6	10
Arizona ¹	4	6.7	10	New Hampshire	4	10.0	14
Arkansas	9	4.4	8	New Jersey	5	6.2	10
California	5	8.0	11	New Mexico	7	4.4	5
Colorado	9	5.0	8	New York	3	11.3	21
Connecticut	4	9.6	19	North Carolina	5	0.6	16
Delaware ¹	3	8.6	18	North Dakota	7	5.4	8
Florida	4	8.5	14	Ohio	8	4.3	7
Georgia	9	4.0	11	Oklahoma	5	6.4	10
Idaho	11	3.8	7	Oregon	5	7.6	13
Illinois	3	13.3	30	Pennsylvania	7	6.9	26
Indiana	12	4.0	8	Rhode Island	3	13.6	30
Iowa	6	6.6	11	South Carolina	2	10.5	17
Kansas	9	5.0	8	South Dakota	10	4.0	8
Kentucky	11	3.5	4	Tennessee	10	3.9	10
Louisiana	3	13.3	32	Texas	8	4.7	10
Maine	3	13.3	17	Utah	9	4.7	12
Maryland	2	20.0	20	Vermont	5	10.5	11
Massachusetts	6	6.6	21	Virginia	5	8.2	12
Michigan	8	4.7	7	Washington	4	8.2	13
Minnesota	6	6.6	14	West Virginia	5	7.8	12
Mississippi	6	7.0	20	Wisconsin	2	18.0	18
Missouri	8	5.0	13	Wyoming	7	6.3	15
Montana	7	5.8	12				
Nebraska	7	6.6	12				

¹ Since 1912.

² Since 1912.

In 29 States the average tenure during the 40-year period is less than 8 years or two 4-year terms, and in only 7 States is the average 12 or more years, or 3 or more 4-year terms. The average number of years served by the present incumbents is 6.8 years. Seventeen have served less than 4 years, 20 have served 4 to 8 years, and 11 have served 8 or more years.

Relation between length of term and years of service.—Considering only those States that have had a 2-year and a 4-year term continuously since 1900, the average tenure in the States having 2-year terms is 4.5 years and in those having 4-year terms the average is 7 years. These averages are about the same as those given in Bureau of Education Bulletin 1924, No. 5, for a 27-year period, 1896 to 1923. The average tenure in the States having 2-year terms was 4.1 years, and in the States having 4-year terms, 6.7 years. These data for the 40-year period and for the 27-year period indicate that a short term such as 2 years for the chief State school officer generally means a shorter tenure than does a longer term.

Relation between years of service of present incumbents and method of selection.—In the 32 States in which the chief State school officer is elected the present incumbents have served on an average of 5.3 years; in the States in which he is appointed by the State board of education, 11 years; and in the States in which he is appointed by the Governor, 6 years.

Table 24.—*Distribution of 48 chief State school officers by years of service and method of selection*

Years of service	Number of officers			
	Total	Elected	Appointed by—	
			State board	Governor
1	2	3	4	5
Less than 2				
2 or 3	2	2		
4 or 5	15	12	2	1
6 or 7	12	7	1	4
8 or 9	8	8		
10 or more	10	3	5	1

Salaries

In 1939-40 the median annual salary of the chief State school officers was \$5,286. The lowest salary was \$2,400 in 1 State, and the highest salary was \$15,000 in 2 States, making a difference of \$12,600 between the lowest and the highest salary. In 16 States the salary was less than \$5,000 a year; in 23 States, from \$5,000 to \$7,499; and in only 9 States, \$7,500 or more.

A distribution of salaries for 1939-40 is given in table 25, and in order to show trends a similar distribution is given for 1896, 1909, and 1920.

Table 25.—Salaries of the chief State school officer for certain years, 1896 to 1940

Salaries	Number of States				Salaries	Number of States			
	1896 ¹	1909 ²	1920 ³	1940 ⁴		1896 ¹	1909 ²	1920 ³	1940 ⁴
1	2	3	4	5	1	2	3	4	5
\$1,000-\$1,499	4				\$9,000-\$9,499				
\$1,500-\$1,999	9	2			\$9,500-\$9,999				
\$2,000-\$2,499	14	13	3	1	\$10,000				
\$2,500-\$2,999	9	11	3		\$12,000				
\$3,000-\$3,499	6	12	8	3	\$15,000				
\$3,500-\$3,999	1	2	4	4	Total	46	47	48	48
\$4,000-\$4,499	1	1	8	4	Lowest salary	\$1,000	\$1,800	\$2,000	\$2,400
\$4,500-\$4,999	1	1	4	4	Median salary	2,357	2,882	4,375	5,286
\$5,000-\$5,499	1	3	9	14	Average salary	2,489	3,186	5,036	6,057
\$5,500-\$5,999				2	Highest salary	5,000	7,500	12,000	15,000
\$6,000-\$6,499			2	5	Difference between highest and lowest salary	4,000	5,700	10,000	12,600
\$6,500-\$6,999				1					
\$7,000-\$7,499				1					
\$7,500-\$7,999	2	2	1						
\$8,000-\$8,499			1						
\$8,500-\$8,999									

¹ Salaries for 1896 from A Study in School Supervision, by H. C. Fellows, p. 19-43.

² From Final Report of the Illinois Education Commission, p. 23-29.

³ From U. S. Department of Interior, Bureau of Education Bulletin 1920, No. 46, p. 37.

⁴ Based upon data supplied by the research division of the National Education Association.

From the data presented in table 29 it may be noted that the salaries of the chief State school officers increased during each period. From 1896 to 1909 there was an increase of \$525, or 22 percent, in the median salary; from 1909 to 1920, an increase of \$1,493, or 5.2 percent; and from 1920 to 1940 an increase of \$911, or 21 percent. A number of States made no increase in the salary of the chief State school officer from 1920 to 1940. In fact, 1 State was paying the same salary in 1940 as in 1896, 1909, and 1920. In 14 other States the salary in 1940 was the same as in 1920.

When compared with the median salary of city school superintendents, the median salary of the chief State school officer is less than that of the city superintendent in cities having a population of 30,000 or more. In 1938-39, according to data compiled by the National Education Association, the median salary of school superintendents in cities having a population of 100,000 or more was \$8,286, which is \$3,000 more than the median salary of the chief State school officer in 1940. In 1938-39, in cities having a population of 30,000 to 100,000, the median salary of school superintendents was \$6,125, which is \$839 more than the median salary of the chief State school officers in 1940. In cities having a population of 10,000 to 30,000 the median salary of the superintendents in 1938-39 was \$4,700, or only \$586 less than that of the chief State school officers in 1939-40.

In only a few States is the salary of the chief State school officer as much as or more than the highest paid school superintendents in cities having a population of 30,000 or more. According to data compiled by the Advisory Committee on Education³ on the salaries of chief State school officers in 1938 and on the highest paid school superintendents in cities of the above-named size for 1936-37, it was found that in only 8 of the 42 States for which data were available did the chief State school officer receive as much as or more than the highest paid city superintendent in that State.

The salaries of the chief State school officers in general are also less than the salaries of State university and land-grant college presidents. A comparison of the salaries of these officers shows that in 1937⁴ approximately 83 percent of the State university presidents and 65 percent of the presidents of land-grant colleges that are separate institutions received a salary of \$7,000 or more, while only 19 percent of the chief State school officers received such salary.

Salaries in relation to method of selection.—The salaries of the chief State school officers, in general, are less in the States in which they are elected by popular vote than in the States in which they are appointed by the State board or by the Governor (table 26).

Table 26.—*Distribution of salaries of chief State school officers according to different methods of selection*

Salaries	Number of officers			Salaries	Number of officers			
	Elected	Appointed by—			Elected	Appointed by—		
		State board	Governor			State board	Governor	
1	2	3	4	1	2	3	4	
Less than \$3,000	1			\$10,000				
\$3,000-\$3,999	7			\$12,000		2		
\$4,000-\$4,999	8			\$15,000			1	
\$5,000-\$5,999	10	4	2	Lowest salary	\$2,400	\$5,000	\$5,000	
\$6,000-\$6,999	4			Median salary	5,000	6,500	8,000	
\$7,000-\$7,999	1	1	2	Average salary	5,030	8,062	8,750	
\$8,000-\$8,999				Highest salary	9,000	15,000	15,000	
\$9,000-\$9,999	1							

The U. S. Office of Education study⁵ made in 1923 also showed that the lowest salaries were in the States in which the chief State school officers were elected by popular vote. At that time the median salary of the elected chief State school officers was \$3,800; of those appointed by the State board, \$6,000; and of those appointed by the Governor, \$7,750.

³ Advisory Committee on Education. State personnel administration. Staff Study No. 3, 1937. p. 51-52.

⁴ —. Organization and administration of public education. Staff Study No. 2. P. 83.

⁵ U. S. Department of the Interior, Bureau of Education Bulletin, 1924, No. 5, The Chief State School Official, p. 34.

Qualifications

Legal requirements.—In 32 of the States there are certain legal requirements for holding the position of chief State school officer. These qualifications are prescribed by the State constitution, or by statute, or partly by constitution and partly by statute. In 10 States there are constitutional provisions only; in 17 States statutory provisions only, and in 5 States both constitutional and statutory provisions. The constitutional provisions regarding the qualifications of the chief State school officer relate chiefly to age and residence requirements, which are usually the same as for other publicly elected State officers. The constitutions of 2 States, however, provide that the chief State school officer shall be an experienced educator. The few States that require definite qualifications of an educational nature do so by statute.

Of the 32 States which have designated certain requirements, 9 require the persons seeking the position of chief State school officer to be a citizen of the United States; 13, a resident of the State; 12, a certain age higher than voting age; 20, educational qualifications; and 16, educational experience. Of the 13 States that require State residence, 5 require 5 years' residence; 1, 3 years; 3, 2 years; and in 4 States the numbers of years' residence is not stated. In the absence of legal provisions requiring State residence, it is assumed that a non-resident may be selected as chief State school officer, as has been done in several of the States where State residence is not prescribed. The laws of 3 States, however, provide that the chief State school officer need not be a resident of the State at the time of appointment. Of the 12 States that specify an age higher than voting age, 5 make the minimum age 25 years, and 7 make it 30 years. Of the 20 States that have established educational qualifications, 6 do not designate a definite amount; 5 require college graduation; 4, college or normal school graduation; 3, the highest grade certificate of the State; and 2, the highest grade certificate or college graduation. In one State, Maryland, the chief State school officer must be a college graduate with 2 years' special academic and graduate preparation. Of the 16 States that require experience in educational work, 8 do not prescribe a definite number of years; 2 require 3 years; 5, 5 years; and 1, 7 years.

In a few States there are requirements other than those previously mentioned. They are, however, of a negative type. For example, the laws of Mississippi and Ohio stipulate that the chief State school officer must not be connected with any textbook company; the laws of Texas, that he must not have received campaign funds from a textbook publishing company; the laws of Arkansas, that the commissioner of education cannot be closely related by consanguinity or affinity to any member of the State board of education, or to any State officer holding a State office created by the constitution.

Qualifications required to hold position of chief State school officer in each of the States are as follows:

Alabama: Resident of State 5 years; United States citizen; 25 years of age; graduate of a university or college; recognized ability as school administrator; 5 years' experience.

Arizona: Citizen of State 5 years; United States citizen; 25 years of age.

Arkansas: Must be "qualified technically and by experience."

California: No legal requirements.

Colorado: Resident of State 2 years; United States citizen; 30 years of age.

Connecticut: No legal requirements. (Referred to in statutes as secretary.)

Delaware: Graduate of standard college; 3 years' teaching and administrative experience; other qualifications may be required by State board of education.

Florida: No legal requirements.

Georgia: Thirty years of age; high educational standing; 3 years' experience as teacher; graduate from college, university, or normal school, or 5 years' supervisory experience.

Idaho: Valid life (teachers') certificate; graduate of normal school, college, or university; and actually engaged in educational work.

Illinois: No legal requirements.

Indiana: No legal requirements.

Iowa: 5 years' experience as teacher or supervisor; graduate of college, normal school, or university.

Kansas: No legal requirements.

Kentucky: Resident of State 2 years; 30 years of age.

Louisiana: Citizen and elector of State.

Maine: No legal requirements.

Maryland: "Experienced and competent educator," including 7 years' experience in "teaching and administration"; graduate of a college and 2 years of special academic and professional graduate preparation in university.

Massachusetts: No legal requirements.

Michigan: Graduate of a university, college, or normal school; 5 years' experience as teacher or superintendent.

Minnesota: "Educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate" with functions of the office.

Mississippi: Citizen of State 5 years; 25 years of age. Must not be connected with textbook publisher.

Missouri: Resident of State 5 years; United States citizen; 30 years of age.

Montana: Resident of State 2 years; United States citizen; 30 years of age; holder of State certificate of highest grade and recognized by State board of education, or a graduate of university, college, or normal school.

Nebraska: Must be holder of highest grade of State certificate.

Nevada: Graduate of college or university; a holder of State teachers' "certificate of the high school grade"; 45 months of successful teaching—20 months of which were in the State; and 20 credit hours in educational subjects by actual attendance at college or university.

New Hampshire: Skilled executive officer with training and experience in educational work; "he need not be a resident of State when appointed."

New Jersey: No legal requirements. Need not be resident of State when appointed.

New Mexico: Experienced educator "and shall be selected solely on ability and professional qualifications."

New York: No legal requirements. Need not be resident of State when appointed.

North Carolina: No legal requirements.

North Dakota: Qualified voter; United States citizen; 25 years of age; holder of highest grade State teachers' certificate.

Ohio: Shall not be interested in any book-publishing company. No other qualifications noted.

Oklahoma: Qualified elector for 3 years; citizen of United States; 30 years of age.

Oregon: No legal requirements.

Pennsylvania: No legal requirements.

Rhode Island: No legal requirements.

South Carolina: No legal requirements.

South Dakota: No legal requirements.

Tennessee: Must be a person of literary and scientific attainments and of skill and experience in school administration; also qualified to teach in schools of highest standing over which he has authority.

Texas: Must not have received campaign funds from any textbook-publishing company. No other legal requirements noted.

Utah: Elector and citizen of State 5 years; 30 years of age; holder of a State certificate of the highest grade issued in some State, or graduate of university, college, or normal school.

Vermont: Shall have had special training and experience in educational work.

Virginia: Shall be experienced educator.

Washington: Qualified elector; United States citizen.

West Virginia: Good moral character; recognized ability as school administrator, with academic and professional training equivalent to graduation from university, and 5 years' experience in public-school work.

Wisconsin: Holder of highest State grade certificate.

Wyoming: ⁶ Qualified elector; United States citizen; 25 years of age.

Table 27.—*Summary of the legal requirements for holding the positions of chief State school officer, 1940*

Requirements	Number of States
No legal requirements	16
Citizen of the United States	9
Resident of State or elector	13
Number of years' residence not stated	4
2 years' residence	3
3 years' residence	1
5 years' residence	5
Minimum age specified higher than voting age	12
Age 25	5
Age 30	7
Educational qualifications mentioned	20
Amount of not specified	6
College graduation	5
College or normal school graduation	4
Highest grade certificate	3
Highest grade certificate or college graduation	2
Educational experience required	16
Number of years' experience not specified	8
3 years' experience	2
5 years' experience	5
7 years' experience	1

⁶ There is also a State commissioner of education in Wyoming who must be of literary and scientific attainments; versed in the history, theory, and principles of education; with practical knowledge of the organization and management of schools; must be a graduate of a 4-year college or university or have an equivalent education and training; and must be an experienced educator actively engaged in educational work.

Degrees held.—Although in only a few States are minimum educational requirements for chief State school officers prescribed by law, such officers are for the most part college graduates and a number have completed graduate courses for the master's and doctor's degrees (table 28).

Table 28.—Number and percent of 45 chief State school officers by method of selection and by earned degrees held, 1940

Highest earned degree	Method of selection							
	Elected by people		Appointed by State board		Appointed by Governor		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	2	3	6	8	6	7	8	9
No degree								
Bachelor's	5	17.2					5	11.1
Master's	7	24.2	1	12.5			8	17.8
Doctor's	13	44.8	2	25.0	5	62.5	20	44.4
	4	13.8	5	62.5	3	37.5	12	26.6
Total	29	100	8	100	8	100	45	100

¹ The above table has been compiled from information furnished by State departments of education, from data in the Eighteenth Yearbook (1940) of the American Association of School Administrators, and from Who's Who in America, 1938-39.

In addition to earned degrees, 10 of the chief State school officers hold honorary degrees, usually the degree of LL. D. It may be noted from the table that of the elected chief State school officers only 13.8 percent hold nonhonorary doctors' degrees, as compared with 62.5 percent of those who are appointed by the State board and 37.5 percent of those appointed by the Governor.

Data similar to those in table 28 were compiled in 1938 by the Advisory Committee on Education.⁷ These data show that of 46 chief State school officers 3, or 6.5 percent, held no degree; 10, or 21.8 percent, the bachelors' degree; 24, or 52.1 percent, the masters' degree; and 9, or 19.5 percent, the doctors' degree.

Thus the data collected at the two different dates (1938 and 1940) indicate that the chief State school officers, measured by the number holding academic degrees, are on the whole a well-educated group.

Legal Relationship to State Boards

To State board of education.—In each of the States having State boards of education the work of the chief State school officer is closely related to that of the State board. In 24 of the 39 States having State boards of education the chief State school officer is a member of the board. In 22 of the 24 States he is by legal provision an officer of the board. In 7 of the 22 States he serves as secretary only, in 5

⁷ State Personnel Administration. Washington, U. S. Government Printing Office, 1939. p. 41.

as chairman only, in 4 as secretary and executive, in 7 as chairman and executive, and in 2 as executive only. He therefore serves as executive officer in 23 of the 24 States in which he is a member of the board.

In the 15 States in which the chief State school officer is not a member of the State board he is, by legal provision, secretary in 2 States, secretary and executive in 9 States, executive in 3 States, and chairman and executive in 1 State. Thus in 13 of the 15 States in which he is not a member of the board, he is the executive official of the board.

In each of the 8 States in which the chief State school officer is appointed by the State board he is not a member of the board but he is designated by law as the executive officer of the board. In all but 2 of the 8 States he is also secretary of the board.

Table 29.—Legal relationship of the chief State school officer to the State board of education

States	Member of State board	Secretary of State board	Chairman of State board	Executive officer of State board
1	2	3	4	5
Alabama	X	X		X
Arizona	X	X		
Arkansas		X		X
California		X		X
Colorado	X		X	
Connecticut				X
Delaware		X		X
Florida	X	X		X
Georgia	X	X		X
Idaho	X			X
Indiana	X		X	
Kansas	X		X	
Kentucky	X		X	X
Louisiana		X		
Maryland		X		X
Massachusetts			X	X
Michigan	X	X		X
Minnesota		X		X
Mississippi	X		X	X
Missouri	X		X	

Table 29.—Legal relationship of the chief State school officer to the State board of education—Continued

States	Member of State board	Secretary of State board	Chairman of State board	Executive officer of State board
1	2	3	4	5
Montana	X	X		
Nevada	X	X		
New Hampshire		X		
New Jersey		X		X
New Mexico		X		X
New York				X
North Carolina	X	X		X
Oklahoma	X		X	X
Oregon	X	X		
Pennsylvania	X		X	X
South Carolina	X	X		
Tennessee	X		X	X
Texas		X		
Utah	X			
Vermont		X		X
Virginia				
Washington	X		X	X
West Virginia	X			X
Wyoming	X			
Total	24	21	11	26

To other boards.—In the States having State boards of education and in the States not having such boards there are State boards with educational functions upon which the chief State school officers serve as members, as officers, or both as members and officers. Among these boards are boards of regents, teachers college boards, boards for schools for the deaf and the blind, State library boards, State teacher retirement boards, State textbook commissions, State examining boards, State planning boards, and boards for vocational education.

The boards, other than State boards, upon which the chief State school officers serve most frequently are boards of regents, and boards of trustees of State teachers colleges. In the 13 States in which there are special boards for vocational education, the chief State school officer is a member of the board in all but 1 State, and the executive

officer in all but 2 States. The following shows for each of a few States the boards other than State boards of education upon which the chief school officer serves and in what capacity:

Arkansas

Board:	Capacity
Textbook commission	Secretary and member.
A. and M. College	Do.
Board of trustees for school for deaf and school for blind	Chairman and member.
Board of trustees:	
Arkansas State Teachers College	Do.
Henderson State Teachers College	Do.
State teacher retirement system board	Do.
State planning board	Member.

California

Board of regents	Member.
Board of governors of nautical school	Executive and member.
Board of public-building construction	Chairman.
State teachers retirement investment board	Secretary.
State teachers retirement	Do.
State course of educational planning and coordina- tion	Member.

Michigan

Board of escheats	Member.
Board of regents	Do.
Board of agriculture	Do.
State board of auditors	Do.
State administrative board, subcommittees:	
Finance and budget	Do.
Building committee	Chairman.
Highway committee	Member.
Board of control of swamp lands	Do.
State planning commission	Chairman.
Board for vocational education	Executive officer.

Pennsylvania

Public school employees retirement board	Executive officer.
Pennsylvania-Historical Commission	Member.
Each of the 13 State professional examining boards	Do.
Board of presidents of State teachers colleges	Chairman.
State council for the blind	Member.
Boards of trustees of each of the State teachers col- leges	Do.

Although the foregoing list of State boards of which the chief State school officers are members or officers may not be complete, it at least serves to illustrate the wide variety of boards with which chief State school officials in general are connected.

Chapter 3

Functions and Duties of Chief State School Officers

IT IS THE PURPOSE here to review the scope and nature of the legal functions and duties of State educational administrative officers. On the State level the most important agencies vested with administrative control over public education are: (1) State boards of education, and (2) the chief State school officers, commonly known as State superintendents of public instruction or State commissioners of education.

It is not possible within the scope of this section to present a complete digest of legal provisions enumerating all the functions and duties of State school officials. The aim, therefore, is first to show in what State agency or officer principal administrative control over education is vested, and secondly to indicate the degree and nature of State control vested in such officials.

Aspects of General Administrative Control

In a study of State school laws it is important to keep in mind that certain legal provisions may frequently give an erroneous impression of the actual practices and customs which have developed in the States. For example, many State laws empower State boards of education to exercise "general supervision over the public schools" or to "prescribe the course of study," while in actual practice the State boards may have delegated or left these functions to be exercised by the chief State school officer, acting for the State board of education. In some States the laws are couched in ambiguous terms or in such broad general provisions that it is difficult to determine from the laws themselves the extent or degree of control that may actually be exercised by a particular State school agency or officer in a given State. It is probable that in some States in which broad or general discretionary power is given to State officials, there is at least as much State supervision and control exercised as in other States in which many powers are specifically enumerated in detail. Likewise, the legal authority to exercise "general supervision" of schools may be construed in some States in a liberal sense and thus result in the exercise of similar degree or scope of power as is exercised in other States whose laws authorize "the administration" or "the supervision and control" of schools.

Furthermore, some State laws reveal a confusion or apparent overlapping of functions. For example, in Oklahoma the State board of

education is vested with "the supervision of instruction in the public schools," and the law also states that "the educational interests of the State shall be under the supervision and management of the State superintendent of public instruction."

In view of the circumstances above mentioned, it is always important in a study of distribution of State administrative control over education to look to present practices and customs which have grown up in the various States.

Public education in the United States is established and administered by legal authority. From the foundations of Statehood in the United States some provisions for public schools were written into the basic and fundamental law of each State. Under our system of government for all practical purposes each State is free to establish and administer such an educational system as it may desire. Education is a subject not mentioned in the Federal Constitution and by inference it was reserved to the States. Both legal theory and practice for the most part have followed this inference.

Education is a prerogative of the State (Commonwealth). It is an attribute of sovereignty which, under the constitutions of the American States, rests in the people. State constitutions and statutes provide for the establishment and maintenance of public schools. In the United States, a State legislature, representative of the sovereign will of the people, has plenary control over education in all respects, being limited only by those constitutional provisions that may exist to curb such control. In the exercise of this prerogative it is customary for the State legislature to vest the general control, administration, and supervision of schools in State agencies and State officials. The immediate and specific control, administration, and supervision of schools and their operation in accordance with State law are vested in local boards of education which are usually regarded as creatures of the State for the exercise of the governmental function of educating its youth.

While the legal theory of education as a State function was accepted early in the days of Statehood it was customary for most of the States throughout the nineteenth century to provide for the administration of schools principally by local school boards and superintendents. That is to say, while State educational administrators such as State superintendents of education and State boards of education were provided for by law early in the formative years of Statehood they did not as a rule exercise any considerable degree of administrative control over the common schools of their respective States. For example, the duties of State superintendents in the formative years consisted principally in stimulating interest in education, acting as guardian of State school funds and making their apportionment as provided by law, and preparing annual reports mainly of a statistical nature.

State administrative and supervisory control of public education is generally vested in either the State board of education or the State superintendent of schools. In all States the State superintendent is the chief educational officer, acting either by virtue of the power conferred upon him directly by statute or by authority given to him by the State board of education. In any event the power of a State board and/or a State superintendent of education is one determined by the nature of constitutional and statutory provisions and their interpretation by appropriate authorities in the respective States.

The prerogative of a State board of education differs in degree and scope among the States, ranging from mere promotional, advisory, or nominal supervision, such as found in Massachusetts, Colorado, and Michigan, to the exercise of strong administrative and centralized control over education as in Delaware, Idaho, and New York.

Varying degrees of control with respect to public education are also vested in a chief State school officer usually designated as the State superintendent of public instruction or commissioner of education. This is true in all of the 48 States. It is customary to find more administrative control vested in the chief State school officer in those States which have no State board in control of general common schools than in States having such boards. In 39 States there exists a State board of education; and even in some of these States the chief State school officer has considerable power, independent of the State board, with respect to education, while in some States his power consists chiefly of those duties assigned to him by the State board. This is especially true in those States in which the chief State school officer is appointed by the State board of education. In some States his powers are given to him directly by State constitutional and statutory provisions, as is the case with respect to State boards of education.

Among the States in which the chief State school officer is vested with principal administrative and supervisory control (and also policy-making functions) with respect to public schools are the 9 States which are regarded as having no general State board in control of common schools, namely: Illinois, Iowa, Maine, Nebraska, North Dakota,¹ Ohio, Rhode Island, South Dakota, Wisconsin. In 3 additional States, Colorado, Massachusetts, and Michigan, general State boards of education exist but do not exercise paramount control over the common-school system of the State. For example, in Colorado the State board has only "general supervision" of the public schools, the constitution of that State specifically vesting the "control of instruction" in local boards of education. The State superin-

¹ The State Board of Administration in North Dakota was originally vested with supervision of the public and common schools, but it appears to be inoperative so far as general State supervision of such schools is concerned.

tendent is not only a member and president of the State board of education but he is vested with both general control and many enumerated powers with respect to the administration and supervision of the schools. He is also the chief executive officer of the State department of education and has general supervision of county superintendents.

In Massachusetts the State board of education is primarily a "supervisory committee" to the commissioner of education with respect to general education. In Michigan the principal functions of the State board of education consists in the exercise of control over the State teachers colleges, their courses of study and the certification of teachers, thus, for the most part, leaving the administrative and supervisory functions with respect to elementary and secondary schools to the State superintendent of public instruction.

Chapter 4

Characteristic Features of State Educational Agencies and Their Powers as Provided by Law

UNDER THIS HEADING are summarized the principal characteristic features of each State school system as provided by law. The aim of this section is to indicate by States the State agency or official authorized by law to exercise principal administrative and supervisory control over different phases of public education.

Those making use of this outline should keep in mind that it is indicative of where principal legal authority has been vested rather than administrative practices and customs in the various States. For example, one often finds that powers or functions vested with State boards of education are frequently delegated to, or actually performed by, chief State school officers acting for the State boards of education. In other words, in actual practice State boards of education exercise to a considerable degree their legal functions through their chief executive officers, namely, State school superintendents, commissioners of education, or the State departments of education.

In a study of this kind it is impracticable to indicate all constitutional provisions relating to education. However, since it is frequently important to know the legal bases of the State board of education and the chief State school officer in the respective States, their constitutional or legislative origins are specifically stated.

The separate boards referred to in this outline are boards other than the usual State board of education. The separate boards included are limited to those boards or commissions whose principal functions relate to public education, and no attempt is made to include all boards or commissions whose functions may only indirectly or incidentally affect education. A consideration of educational functions assigned to separate boards or commissions is always germane to a study of the scope and functions of general State boards of education and chief State school officers. Functions assigned to separate or special boards often indicate important limitations with respect to general State boards of education and chief State school officers.

Alabama

State Board of Education

1. Legislative provision for State board of education composed of Governor, State Superintendent, and 10 others appointed by the Governor.
2. The State board has "general control and supervision over the public schools of the State, including the State Teachers Colleges."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Classification and standardization of elementary and secondary schools.
 - Certification of teachers.
 - Supervision of school buildings.
 - State school library service.
 - Administration of State Teachers Colleges.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Ex officio member and executive officer of State board.
3. Ex officio member and secretary of State Council on Higher Education.
4. Principal State agent for:
 - Executing education policy.
 - Enforcing school law.
 - Approval of local school budgets.

Separate Boards

1. State Council on Education: Composed of Governor (chairman), State Superintendent, 2 members of State board, and 6 others from State institutions of higher learning. To coordinate the educational efforts of higher educational institutions.
2. Course of Study Committee: Composed of from 7 to 10 members appointed by the State Board of Education.
3. Textbook Committee: Composed of 7 members appointed by the State Board of Education.
4. Each State higher educational institution is under separate board except the State Teachers Colleges.

Arizona

State Board of Education

1. Constitutional provision for a State Board of Education composed of the Governor, State Superintendent, and 6 others appointed by the Governor.
2. Shall "exercise general supervision over and regulate the conduct of the public school system of the State" (principally applicable to elementary and secondary schools.)
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.

- Adoption of textbooks.
- Certification of teachers.
- Supervision of school buildings.
- Administration of vocational education.
- Administration of teacher-retirement system.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Is by constitutional provision member and secretary of State Board of Education and member of all boards having control of instruction in any State institution.
3. Is charged with the duty to "superintend the public schools."
4. Principal State agent for:
 - Execution of State education policy.
 - Preparation and distribution of circulars on school sanitation and school architecture.

Separate Boards

1. The 2 teachers colleges are governed by separate boards, each composed of the State Superintendent and 2 others appointed by the Governor.
2. The Board of Regents of the State University is composed of the Governor, State Superintendent, and 8 others appointed by the Governor.

Arkansas

State Board of Education

1. Legislative provision for a State Board of 8 members: The State Superintendent and 7 others appointed by the Governor.
2. "Shall have general supervision of the public schools" (applicable principally to elementary and secondary schools.)
3. Principal State agency for:
 - Selection of State Commissioner of Education.
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Supervision of school buildings.
 - State school library service.
 - Administration of vocational education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Education.
2. Ex officio member, secretary, and executive officer of State Board.
3. Ex officio member and chairman of governing board of each State Teachers College. Also member of governing board of State University and the Land-Grant College for Negroes. Also member of State Library Commission and member and chairman of Teacher Retirement Board.
4. Principal State agent for:
 - Enforcement of rules, orders and directions of State Board of Education.
 - Purchase and distribution of textbooks.
 - Enforcement of prescribed course of study.

Separate Boards or Commissions

1. State Textbook Commission for the adoption of textbooks: Composed of 7 members appointed by Governor.
2. Arkansas Library Commission: State Superintendent and 3 others appointed by Governor.
- Teacher Retirement Board: State Superintendent and 6 others, all ex officiis.

California**State Board of Education**

1. Constitutional provision for a State board whose membership and selection shall be provided for by the legislature. Composed of 10 members appointed by the Governor.
2. Is the "Governing and policy determining body of the department of education."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Supervision and approval of construction of school buildings.
 - State school library service.
 - Administration of State teachers colleges.
 - Administration of all public higher education, except the State University.
 - Administration of vocational education.
 - Administration of Teachers' Retirement Fund.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote (usually referred to as the "Director of Education").
2. Secretary and executive officer of the State Board of Education, and head of the Department of Education.
3. Ex officio member of governing board of the State University, and other State educational boards. (See Separate State Boards, below.)
4. Principal State agent for:
 - Execution of State educational policy decided upon by the State Board.
 - Distribution of State school funds.

Separate State Boards or Commissions

1. Board of Regents of State University: Composed of Governor, 8 ex officio members, including the State Superintendent, and 16 others appointed by the Governor.
2. State Curriculum Commission: Composed of the State Superintendent and 10 others appointed by him with approval of the State Board.
3. Commission of Credentials: Composed of the State Superintendent and 4 others appointed by him.
4. State Council of Educational Planning and Coordination: Composed of the State Superintendent, President of the State University and 7 other members appointed jointly by the State Board of Education and the Board of Regents of the State University, upon joint nomination of the State Superintendent and the President of the said University.

Colorado

State Board of Education

1. There is a State constitutional provision for a State Board of Education composed of the State Superintendent, Secretary of State, and Attorney General.
2. Under the State constitution, "The general supervision of the public schools of the State shall be vested in a Board of Education, whose powers and duties shall be prescribed by law . . ." The State legislature has made very few specific grants of power to the State board, but has vested in the State Superintendent, as head of the Department of Education, most of the State supervisory responsibility over the public elementary and secondary schools of the State.

There is little centralization of State control of education either in the State Board or the State Superintendent. The State constitution specifically vests the "control of instruction" in local boards of education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Is vested with general supervision of all county superintendents and of the public schools.
3. Is chief executive officer of the department of education.
4. Ex-officio member of the Board of Trustees of Teachers Colleges, and other educational boards. (See Separate Boards, below.)
5. Is the principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers, aided by a State Board of Examiners.
 - State school library service.

Separate Boards

1. Board of Trustees of the State Teachers Colleges: Composed of the State Superintendent, and 6 others appointed by the Governor.
2. State Board of Examiners: Composed of the State Superintendent and 8 others appointed by him.
3. State Board for Vocational Education: Composed of 5 members appointed by the Governor.
4. Each State higher educational institution is under a separate governing board (except the Teachers' Colleges).

Connecticut

State Board of Education

1. Legislative provision for a State Board of Education composed of 9 members appointed by the Governor.
2. Is vested with "general supervision and control of the educational interests of the state."
3. Principal State agency for:
 - Appointment of a "secretary" who acts as Commissioner of Education and executive officer of the Board.
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Determination of course of study.

- Certification of teachers.
- Approval of school building plans.
- State school library service.
- All higher educational institutions, including teachers colleges.
- Administration of vocational education.

State Superintendent¹

1. Legislative provision for a State Superintendent appointed by the State Board of Education.
2. Is chief executive officer of the State Board of Education.
3. He "shall perform such duties as the board may prescribe."

Separate Boards

1. Board of Trustees of Connecticut State College: Composed of the Governor, Secretary of State Board (Commissioner of Education), Commissioner of Agriculture (ex officiis), and 10 others appointed by the Governor.
2. Teacher Retirement Board: Composed of 3 ex-officio members, including the Commissioner of Education and 2 other members appointed by the members of the Retirement Association.
3. Board of Education of the Blind: Composed of the Governor, Chief Justice of the Supreme Court (ex officiis), and 3 others appointed by the Governor.

Delaware

State Board of Education²

1. Legislative provision for a State Board of Education of 6 members appointed by the Governor.
2. "Shall exercise general control and supervision over the public schools of the State."
3. Shall appoint a State Superintendent of Public Instruction who shall be its executive secretary.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Approval of school building plans.
 - Administration of school library service.
 - Administration of vocational education.
5. Shall prescribe the duties and powers of the State Superintendent.

State Superintendent

1. Legislative provision for a State Superintendent appointed by the State Board of Education.
2. State Superintendent is the executive officer and secretary of the State Board of Education.
3. Shall perform such powers and duties as prescribed by the State Board of Education.

¹ Referred to in the school law as secretary to the State board. Acts as State commissioner of education.

² Delaware is an example of a State exercising a high degree of State control over elementary and secondary education under the jurisdiction of the State board of education.

Separate Boards

1. Each State higher institution is under separate governing boards appointed by the Governor.
2. State Library Commission: Composed of 9 members appointed by the Governor.

Florida**State Board of Education**

1. Constitutional provision for a State Board of Education composed of the Governor, Secretary of State, Attorney General, State Treasurer, and State Superintendent of Public Instruction.
2. Is vested with "the general control of the public schools of the State," including all public schools and educational institutions.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds, and investment and management of school funds.
 - Prescribing minimum standards for schools.
 - Determination of course of study.
 - Certification of teachers.
 - Supervision of construction of school buildings.
 - Administration of all public higher educational institutions, jointly with the State Board of Control.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Shall "exercise general supervision over the State system of public education."
3. Ex officio secretary and executive officer of the State Board of Education, and administrative head of the State Department of Education.
4. Principal State agent for:
 - Execution of policies or measures approved by the State Board.
 - Recommendation of educational measures for the approval of the State Board of Education.
 - Administration of the State Department of Education.

NOTE.—Most of the powers and functions specifically assigned to the State Superintendent are recommendations in character and/or subject to the approval of the State Board of Education. In those fields in which policies are required by law to be approved by the State Board the State Superintendent is advisor and executive officer of the said board.

Separate Boards

1. State Board of Control: Composed of 5 members appointed by the Governor. Exercises control over higher educational institutions, subject to approval of State Board of Education.
2. Textbook Rating Committee: Composed of 7 members appointed by the State Board of Education on recommendation of the State Superintendent.
3. Textbook Purchasing Board: Composition same as Board of Commissioners of State Institutions.
4. Courses of Study Committee: Composed of 9 members appointed by the State Board upon recommendation of the State Superintendent.

Georgia

State Board of Education

1. Legislative provision for a State Board of Education composed of the Governor, and one member from each of the 10 Congressional districts, appointed by the Governor.
2. Is vested with regulatory power over the supervision of all public schools (principally applicable to elementary and secondary schools), the operation of the common schools, the administration of the common school fund, and the general supervision of the State Department of Education.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State School Commissioner (usually referred to as "State School Superintendent"), elected by popular vote.
2. Is "charged with the administration of the school laws, and the general superintendence of the business relating to the common schools of the State."
3. Is executive secretary of the State board and the administrative head of the State Department of Education.
4. Principal State agent for:
 - Carrying out the rules and policies of the State Board of Education.
 - Recommendations to State Board affecting the welfare and efficiency of the public schools.
 - Supervision of school building plans.

Separate Boards

Board of Regents of the University System: Composed of 11 members appointed by the Governor, who is ex officio member. Governs all State institutions of higher education. Employs a chief executive as administrative head.

Idaho

State Board of Education¹

1. Constitutional provision for a State board, whose membership, powers, and duties shall be prescribed by law, with the State Superintendent ex officio member. The legislature has provided for a State board of 6 members, the State Superintendent, and 5 other members appointed by the Governor.
2. Is vested with "the general supervision, government and control of all State educational institutions . . ." and with "the general supervision, government and control of the public schools of the State."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools, and their standardization.
 - Distribution of the State school funds.

¹ Idaho is an example of a State in which the State Board is vested with broad and sweeping administrative control over the public schools and all State higher educational institutions.

- Determination of course of study.
- Adoption of textbooks.
- Certification of teachers.
- Supervision and control of the construction of school buildings.
- Administration of State school library service.
- Administration of State Teachers Colleges.
- Administration of all State higher educational institutions.
- Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by the people who shall be a member of the executive department of the State Government.
2. Is ex officio member and executive officer of the State Board of Education; and also ex officio member of the State Board of Land Commissioners and the State Library Commission.
3. Principal State agent for:
Enforcement of school laws and the rules and orders of the State Board of Education.

Separate Boards

1. State Board of Land Commissioners: Composed of ex officio members, including the State Superintendent.
2. State Library Commission: Composed of ex officio members, including the State Superintendent as member and secretary.

Illinois

State Board of Education

Illinois has no State Board of Education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote, and who is a member of the executive department of the State Government.
2. Shall "supervise all the common and public schools of the state," and make such rules as may be necessary for an efficient and uniform effect of the laws for the maintenance of free schools.
3. Principal State agency for:
Determination of State educational policy.
Administration of elementary and secondary schools.
Distribution of State school funds.
Determination of course of study.
Certification of teachers, with aid of a board of examiners.
Supervision of school building plans.

Separate or Special Boards

1. Board for Vocational Education: Composed of 5 members all ex officio, including the State Superintendent as member and executive officer.
2. State Teachers' College Board: Composed of the Director of Registration and the State Superintendent (ex officio members), and 9 others appointed by the Governor.
3. Teachers' Examining Board: Composed of the State Superintendent and 6 other persons engaged in educational work, appointed by the State Superintendent.

4. Trustees of the Teacher Retirement System: Composed of 5 members, State Superintendent ex officio member and chairman, 2 appointed by the Governor, and 2 appointed by the Retirement Association.

NOTE.—The State University is under separate governing board composed of the Governor and State Superintendent (ex officio members), and 9 other members elected by the people.

Indiana

State Board of Education

1. Legislative provision for a State Board of Education composed of the State Superintendent, the Governor, Lieutenant Governor, and 6 others appointed by the Governor.
2. The State Board is in charge of the State Department of Education, which is designated as one of the executive divisions of the State Government (the State Superintendent is chief administrative officer of the State Board and of said Department).
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of the elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Administration of State school library service.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Is chief administrative officer of the State Board, and the State Department of Education.
3. Is "charged with the administration of the system of public instruction and a general superintendent of the business relating to the common schools . . . , and of the school funds and school revenues set apart, and appropriated for their support."
4. Is ex officio member of the State Teachers College Board.
5. Principal State agent for:
 - Carrying out the school laws, and the rules of the State Board.
 - Administration of the Department of Education.
 - Distribution of the State school funds.

Separate Boards

1. State Teachers College Board: Composed of the State Superintendent and 4 other members appointed by the Governor. Controls the two State Teachers Colleges.
2. Each additional State institution, namely, Purdue University, and the State University, are under separate governing boards.
3. Teacher Retirement Board: Composed of 5 members appointed by the Governor.

Iowa

State Board of Education

Iowa has no general State Board of Education in the usual sense, the State board referred to in that State being a special board in control of higher educational institutions.

State Superintendent

1. Legislative provision for a State Superintendent elected by popular vote.
2. Has general supervision and control over the rural, graded, and high schools of the State, and other public schools as are not under the State Board of Education (higher), or Board of Control of State Institutions.
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers, with the aid of an examining board.
 - Supervision of school building plans.
 - Administration of State library service.

Separate or Special Boards

1. State Board of Education (for higher institutions): Composed of 9 members appointed by the Governor. Has general control of all higher educational institutions.
2. State Board of Educational Examiners: Composed of the State Superintendent, President and executive officer, and 4 other members appointed by the Governor.
3. State Board for Vocational Education: Composed of the 3 ex officio members, including the State Superintendent.

Kansas**State Board of Education**

1. Legislative provision for a State Board of Education composed of the State Superintendent and 10 other persons, appointed by the Governor, of whom 8 are engaged in educational work and 2 in business.
2. Elects a secretary who is an experienced expert on education and who shall serve as inspector of colleges and universities and have charge of teachers certificates.
3. Principal State agency for:
 - Administration of elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote, who shall be member of the executive department of the State Government.
2. Is vested by constitutional provision with "the general supervision of the common school funds and educational interests of the State." The legislature has stipulated that the educational interests "shall be under the supervision and control" of the State Superintendent.
3. Principal State agent for:
 - Distribution of State school funds.
 - State selection of school library books.
 - Enforcement of State school laws and regulations.

Separate Boards

1. All State higher educational institutions are under a State Board of Regents, composed of 9 members appointed by the Governor, in control of all State institutions of higher learning.
2. There is a State Board of Administration composed of the Governor and 3 electors appointed by the Governor, in control of all State charitable and penal institutions.

Kentucky**State Board of Education**

1. Legislative provision for a State Board of Education composed of the State Superintendent and 7 lay members appointed by the Governor.
2. Is vested with "the management and control of the common schools . . . public higher education for negroes, and public vocational education. . . ."
3. Principal State agency for:
 - Determination of educational policy.
 - Administration of elementary and secondary schools.
 - Approval of local school budgets.
 - Determination of course of study.
 - Certification of teachers.
 - Higher education of Negroes.
 - Approval of courses of study in teacher training institutions.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Ex officio member, chairman, and executive officer of State Board of Education.
3. Ex officio member and chairman of the governing board of each State Teachers College, member of the Board of Trustees of the State University, and chairman of Council on Public Higher Education.
4. Shall perform such duties as prescribed by law or assigned by the State Board.
5. Principal State agent for:
 - Enforcement of school laws and rules of the State Board.
 - Distribution of the State school funds.
 - Supervision of the construction of school buildings.

Separate Boards

1. Each State college, as well as the State University, has a separate governing board.
2. State Council on Higher Education: Composed of the president of each State higher institution and 2 lay members of the State Board, and the State Superintendent, who is also chairman. The purpose of the Council is to coordinate the work of the colleges, including teachers colleges.
3. Textbook Commission: Composed of the State Superintendent (secretary) and 8 other persons appointed by the State Board.
4. Teacher Retirement Board: Selected under the supervision of the State Superintendent.

Louisiana

State Board of Education

1. Constitutional provision for a State Board of Education, composed of 11 members, 8 to be elected by popular vote (1 from each Congressional district), and 3 to be appointed by the Governor.
2. Has "Supervision and control of all free public schools," also of all public higher educational institutions, except the State University and Agricultural and Mechanical College where it has visitorial powers only.
3. Principal State agency for:
 - Determination of educational policy.
 - Administration ~~of~~ elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Supervision of school building construction.
 - Administration of school library service.
 - Administration of all State teachers colleges.
 - Administration of all higher educational institutions, except the State University.
 - Administration of vocational education (with the aid of 2 additional members).

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Is ex officio secretary of the State Board, and administrative head of the State Department of Education.
3. Is ex officio member of the State budget committee.
4. Principal State agent for:

Carrying out the policies and standards adopted by the State Board.

Separate Boards

1. Board of Supervisors of State University and Agricultural College: Composed of 15 members, the Governor, and 14 other members appointed by him.
2. State Budget Committee: Composed of the Governor, State Treasurer, and the State Superintendent. Has jurisdiction over the budgets of parish school boards.
3. Louisiana Library Commission: Composed of 5 members appointed by the Governor. Renders advice and cooperative service to school libraries.
4. Teacher Retirement Board: Composed of 7 members, including the State Superintendent as ex officio member.

Maine

State Board of Education

Maine has no State board of education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the Governor with the consent of the State Council.
2. Shall "exercise a general supervision of all the public schools, and to advise and direct the town committees and superintendents. . . ."

3. Principal State agency for:

- Determination of State educational policy.
- Administration of elementary and secondary schools.
- Distribution of State school funds.
- Determination of course of study.
- Certification of teachers.
- Supervision of school library service.

Separate or Special Boards.

1. Board of Trustees of Normal Schools: Composed of the Commissioner of Education and 4 other members appointed by the Governor.
2. Board of Trustees of the State University: Composed of the State Commissioner of Education and 9 other members appointed by the Governor.
3. State Board for Vocational Education: Composed of State Superintendent, Commissioner of Health and Welfare, and Commissioner of Labor.
4. Teacher Retirement Board: Composed of 7 members, the State Commissioner of Education, State Treasurer, Attorney General, the Bank Commissioner, the Insurance Commissioner, and 2 members elected by the Retirement Association.

Maryland*State Board of Education*

1. Legislative provision for a State Board of Education, composed of 7 members appointed by the Governor.
2. Shall enact by-laws for the administration of the public-school system,⁵ and shall exercise, through the State Superintendent, general control and supervision of the public schools and educational interests.
3. Appoints the State Superintendent of Schools.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Regulation of school building construction.
 - Administration of State teachers colleges.
 - Administration of all State higher institutions, except State University.
 - Administration of vocational education.

State Superintendent

1. Legislative provision for the appointment of a State Superintendent of Schools by the State Board of Education.
2. Is chief executive officer of the State Board, and its secretary and treasurer.
3. Principal State agent for:
 - Execution of educational policy of State Board.
 - Enforcement of school laws and the rulings of the State Board.
 - Supervision of school library service.

* Maryland is an example of a State having a highly centralized State system of education principally under the jurisdiction of the State board of education.

⁵ By-laws of the Maryland State Board of Education, when published, "shall have the force of law."

Separate Boards

1. Board of Regents of State University: Composed of 9 members appointed by the Governor.
2. Teacher Retirement Board: Composed of 5 members, State Superintendent, State Comptroller, State Treasurer (ex officiis), and 2 others elected by members of the retirement association.
3. Maryland Public Library Commission: Composed of 4 persons appointed by the Governor, State Librarian, State Superintendent, and the Librarian of Enoch Pratt Library.

Massachusetts⁶**State Board of Education**

1. Legislative provision for a State "Advisory board of education" of 6 members appointed by the Governor at least 2 of whom shall be women.
2. The advisory board of education and the Commissioner of Education shall supervise and control the Department of Education.
3. Principal State agency for:
Advisory service to the Commissioner of Education with respect to education in general.
Administration of vocational education (with the Commissioner of Education).

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the Governor.
2. Is the executive and administrative head of the Department of Education which is one of the major departments of the State Government.
3. Is ex officio member of the State College Governing Board and Teacher Retirement Board.
4. Principal State agent for:
Determination of State educational policy.
Administration of elementary and secondary schools.
Distribution of State school funds.
Administration of State teachers colleges, and the determination of courses of study therein.
Certification of teachers.
Supervision of school library service with aid of library division in the Department of Education.
Administration of vocational education (with the Advisory Board of Education).

Separate Boards

1. The governing boards of the several State educational institutions are appointed by the Governor, and all of them (except the State College) are attached to and serve in the Department of Education which is under the general supervision of the State Commissioner of Education.
2. Teacher Retirement Board: Composed of the Commissioner of Education, 1 member elected by the retirement association, and 1 additional member chosen by the other 2.

⁶ Massachusetts is a State in which the principal State education functions are under the management of the commissioner of education, and the State board is principally an advisory board.

Michigan⁷

State Board of Education.

1. Constitutional provision for a State Board of Education composed of 4 members elected by popular vote, including the State Superintendent of Schools.
2. Has, by constitutional provision, "general supervision of the state normal college and the state normal schools," and other duties prescribed by law, which relate generally to State educational institutions rather than to elementary and secondary schools.
3. Principal State agency for:
Administration of all State teachers colleges and normal schools and other State educational institutions, except the State University and the State Agricultural College. Determination of courses of study in teachers colleges and normal schools and other institutions under its control.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Constitutional authority to exercise "general supervision of public institutions in the state."
3. By constitutional provision is ex officio member and secretary of the State Board of Education, and also "a member of all other boards having control of public instruction in any State institution, with right to speak but not to vote."
4. Principal State agent for:
Determination of State educational policy (principally with respect to elementary and secondary schools).
Administration of elementary and secondary schools.
Distribution of State school funds.
Determination of course of study (elementary and secondary schools).
Approval of an optional list of textbooks from which local boards may adopt.
Administration of school library service.

Separate Boards

1. Board for Vocational Education: Composed of State Superintendent, President of State Board of Education, President of State University, and President of State Agricultural College.
2. State Tenure Commission: Composed of 3 members appointed by the Governor—State Superintendent is ex officio secretary.
3. Teacher Retirement Fund Board: Composed of State Superintendent and 5 others appointed by Governor.
4. Board of Regents of State University: Composed of 8 members elected by popular vote.
5. State Board of Agriculture: Composed of 6 members appointed by the Governor. Has control of State College of Agriculture.
6. State Administrative Board: Composed of Governor, Secretary of State, State Treasurer, Auditor, Attorney General, State Highway Commission,

⁷ Michigan is an example of a State in which the State superintendent is principal State agent for the supervision and control of public elementary and secondary schools, and in which the functions of State board of education are limited primarily to the control of teachers' colleges, the preparation and certification of teachers, and the review and approval of school transportation routes.

and the State Superintendent. Exercises general supervisory control over the functions and activities of departments, boards, commissioners, and officers of State institutions.

Minnesota

State Board of Education

1. Legislative provision for a State Board of Education of 5 members appointed by the Governor.
2. Is vested with the general supervision and control of the public school system (except the State University and State normal schools).
3. Appoints the State Commissioner of Education.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Administration of school library service.
 - Administration of vocational education.

State Superintendent

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Education.
2. Is executive officer and secretary of the State Board of Education, and shall perform the general functions previously exercised by the State Superintendent, subject to the laws and rules of the State Board.
3. Is ex officio member of the Governing Board of the State University, and also of the Board of Directors of the State Teachers Colleges and of the Teacher Retirement Board.
4. Principal State agent for:
 - Enforcement of school laws and execution of State rules and policies of the State Board.
 - Approval of school building plans.

Separate Boards

1. Board of Directors of State Teachers Colleges: Composed of the State Commissioner of Education and 8 other members appointed by the Governor.
2. Board of Regents of State University: Composed of 10 members elected by State legislature, and the Governor, the Commissioner of Education, and the President of the University.
3. Board of Trustees of Teacher Retirement Fund: Composed of Commissioner of Education, State Auditor, Commissioner of Insurance, and 2 other members elected by and from the Retirement Association.

Mississippi

State Board of Education

1. Constitutional provision for an ex officio State Board of Education: composed of the Secretary of State, Attorney General, and the Superintendent of Public Instruction.
2. Is vested, by the constitution, with the management of the school funds, and is authorized by legislation to regulate all matters arising in the practical administration of the school system not otherwise provided for.

3. Principal State agency for:

- Determination of State educational policy.
- Administration of elementary and secondary schools.
- Distribution of State school funds.
- Determination of course of study.
- Certification of teachers.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote.
2. Vested, by constitutional provision, with "the general supervision of the common schools, and of the educational interests of the state . . ."
3. Principal State agent for:
 - Prescribing rules and regulations for efficient organization and conduct of the public free schools.
 - Carrying out policies and rules of the State Board for Vocational Education.

Separate Boards

1. Board of Trustees of State Institutions of Higher Learning: Composed of 9 members appointed by Governor: "Shall have the sole supervision of and control of the University and the Colleges supported . . . by the state."
2. State Board for Vocational Education: Composed of the State Superintendent (executive officer), State Commissioner of Agriculture and Commerce, executive secretary of State Board of Health, President of Mississippi State College, and one white citizen appointed by the Governor.
3. Two State Textbook Committees: One for elementary schools, and one for high schools, each composed of the State Superintendent as member and chairman, and other members appointed by the Governor.
4. Commission of Junior Colleges: Composed of 7 ex officio members including the State Superintendent as ex officio member and chairman.
5. State Library Commission: Composed of State Librarian, President of State Federation of Women's Clubs, President of State Library Association, and 2 others appointed by the Governor.

Missouri

State Board of Education

1. Constitutional provision for an ex officio State Board of Education composed of State Superintendent of Public schools, the Governor, Secretary of State, and the Attorney General.
2. Shall exercise general supervision over the entire educational interests of the State and the management of all State school funds.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote who shall be a member of the executive department of the State Government.
2. Ex officio member and president of the State Board of Education, and ex officio member of governing board of each State teachers college.

3. Principal State agent for:

- Distribution of State school funds.
- Determination of course of study.
- Certification of teachers.

Separate Boards

1. Each State higher educational institution has separate governing board appointed by the Governor.
2. Missouri Library Commission: Composed of the State Superintendent and President of State University, and 3 others appointed by the Governor.

Montana**State Board of Education**

1. Constitutional provision for a State Board of Education composed of the Governor, State Superintendent, Attorney General, and 8 others appointed by the Governor.
2. Has, by constitutional provision, "general control and supervision of the State University and the various other State educational institutions": other powers and duties shall be prescribed by law.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Administration of State Teachers Colleges.
 - Administration of all State higher institutions.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote who shall be a member of the executive department of the State Government.
2. "Shall have the general supervision of the public schools of the State."
3. Principal State agent for:
 - Enforcement of school laws and carrying out policies of the State Board.
 - Approval of school building plans (in second- and third-class districts).
 - Administration of school library service.

Separate Boards

1. State Textbook Commission: Composed of 7 members appointed by the Governor to adopt textbooks.
2. Teacher Retirement Board: Composed of State Superintendent, State Treasurer, Attorney General, and 2 others (teachers) appointed by the State Board of Education.

Nebraska**State Board of Education**

Nebraska has no State Board of Education having general supervision over elementary and secondary schools.

State Superintendent

1. Constitutional provision for a State Superintendent elected by popular vote who shall be a member of the executive department of the State Government.

2. Has general visitorial powers over the public school system.
3. Is ex officio member and secretary of State Board for Vocational Education, and ex officio member of the Board of Education of State Normal Schools.
4. Principal State agent for:
 - Determination of State educational policy.
 - Administrative supervision of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.

Separate Boards

1. Board of Education of State Normal Schools: Composed of the State Superintendent and 6 others appointed by the Governor. Has general management of State teachers colleges.
2. Commissioners for Educational Lands and Funds: Composed of the Governor, Secretary of State, Treasurer, Attorney General, and Commissioner of Public Lands and Buildings. Has control of all school lands owned by the State.
3. Board for Vocational Education: Composed of Dean of Agricultural College, the State Superintendent (secretary), and 1 woman appointed by the Governor.
4. Board of Commissioners of State Institutions: Composed of 3 members appointed by the Governor. Has control of State educational institutions for handicapped persons, and charitable institutions.
5. Nebraska Library Commission: Composed of 5 persons appointed by the Governor. Duty: To perform library extension work and promote establishment of libraries.

Nevada

State Board of Education

1. Legislative provision for a State Board of Education composed of the Governor, State Superintendent of Public Instruction, and 5 lay members elected by popular vote.
2. Shall appoint 5 deputy State superintendents (one for each of the 5 educational supervision districts) and shall prescribe the necessary powers and duties of deputy superintendents to secure efficiency and coordination. There are no county superintendents in Nevada.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of courses of study.
 - Certification of teachers.
 - Supervision school building plans.
 - Supervision of school library service.
 - Administration of vocational education (with the aid of 2 additional members).
 - Administration of the Teachers' Retirement Fund.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Is ex officio member and secretary of the State Board of Education. May confer upon deputy State Superintendents the power to act in his name.

3. Principal State agent for:

Visiting schools.

Hearing of appeals on school law questions.

Carrying out policies of the State Board of Education when acting as State Board for Vocational Education.

Separate Boards

1. State Textbook Commission: Composed of members of the State Board of Education and 4 additional persons appointed by the Governor. Duty: To adopt textbooks.
2. State Board of Finance: Composed of the Governor, State Controller, State Treasurer, and 2 others appointed by the Governor. Has control over the investment of the permanent school fund.
3. Board of Regents of the State University: Composed of 5 members elected by popular vote. (The State University is the only public institution of higher learning in the State.)

New Hampshire⁸**State Board of Education**

1. Legislative provision for a State Board of Education composed of the Governor, and 7 others appointed by the Governor.
2. Has "the same powers of management, supervision and direction over all public schools . . . as the directors of a business corporation have over its business, except as otherwise limited by law."
3. Is vested with authority to appoint a State Commissioner of Education who shall be its executive officer and secretary.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of the course of study.
 - Certification of teachers.
 - Supervision of school library service.
 - Administration of State teachers colleges.
 - Administration of all State higher institutions, except the State University.
 - Administration of vocational education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board.
2. Is executive officer and secretary of the State Board of Education.
3. Principal State agent for:
 - Enforcement of State school law and carrying out the rules and policies of the State Board of Education.

Separate Boards

1. Public Library Commission: Composed of the State Librarian and 4 other persons appointed by the Governor.
2. Teacher Retirement Board: Composed of the Bank Commissioner, State Commissioner of Education, State Treasurer, and 2 others appointed by the Governor.

⁸ New Hampshire is a State in which all State supervision and control of education is under the jurisdiction of a State board of education, the State commissioner of education being simply the executive officer of the board.

New Jersey

State Board of Education

1. Legislative provision for a State Board of Education composed of 10 members appointed by the Governor.
2. Is vested with "the general supervision and control of public instruction."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Determination of the course of study.
 - Certification of teachers (with the aid of a board of examiners).
 - Approval of school building plans.
 - Administration of State teachers colleges.¹
 - Administration of vocational education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the Governor.
2. Is vested with supervision of all schools of the State receiving State aid. His duties and functions are in considerable degree subject to the approval of the State Board of Education.
3. Principal State agent for:
 - Distribution of State school funds.
 - Administration of school library service.
 - Administration of State teachers colleges.¹

Separate Boards

1. State Board of Regents: Composed of State Commissioner of Education and 7 others appointed by the Governor. Duty: To exercise supervision and control over higher educational institutions (except teachers colleges, which are under the control of the Commissioner of Education and the State Board of Education).
2. Board of Visitors of State Agricultural College (connected with Rutgers University): Composed of one member from each county in the State appointed by the Governor.

The two separate boards above mentioned, together with the governing board of Rutgers University (a private institution) jointly control those branches of the said University which are supported by the State.

3. State Board of Examiners: Composed of the Commissioner of Education (chairman) and 7 others engaged in educational work nominated by the Commissioner of Education and appointed by the State Board.
4. Trustees of Retirement System: Composed of the Commissioner of Education, State Treasurer, one trustee appointed by the Governor, and 3 others elected from the retirement association.
5. Public Library Commission: Composed of the State Commissioner of Education, the State Librarian, and 5 others appointed by the Governor.

New Mexico

State Board of Education

1. Constitutional provision for a State Board of Education composed of the Governor, State Superintendent of Schools, and 5 others appointed by the Governor.
2. Constitutionally vested with "the control, management, and direction of all public schools, under such regulations as may be provided by law."

¹ Teacher-training institutions are under the control of the commissioner of education, subject to the approval of the State board of education.

3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds (jointly with State Educational Budget Auditor).
 - Determination of the course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Approval of school building plans.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote, who shall be a member of the executive department of the State Government.
2. "Shall have general supervision of public institutions," subject to the supervision of the State Board of Education.
3. Principal State agent for:
 - Executing policies and rules of the State Board of Education.
 - Administration of teacher retirement (jointly with the State Educational Budget Director).

Separate Boards

1. Each State higher educational institution is under a separate governing board of 5 members appointed by the Governor.

New York***State Board of Education (Regents)***

1. Constitutional provision for a State Board of Regents; and legislative provision for its composition of 12 members appointed by the State legislature.
2. "Shall exercise legislative functions concerning the educational system of the State * * * establish rules for carrying into effect the laws and policies of the State, relating to education" * * * " The Board of Regents is head of the Executive Department which "is charged with the general management and supervision of all public schools and all of the educational work of the State."
3. Appoints the Commissioner of Education and Deputy Commissioner of Education.
4. Principal State Agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Administration of school library service.
 - Administration of teachers colleges.
 - Administration of vocational education.
 - Administration of all public higher educational institutions (except State College of Forestry at Syracuse University which is under a separate governing board; and the State College of Agriculture, Veterinary College, and College of Home Economics which are under the administration of the board of trustees of Cornell University).

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board of Regents.
2. Is chief administrative officer of the department of education, and also chief executive officer of the State system of education and of the Board of Regents.
3. Shall have general supervision over all schools and institutions which are subject to the supervision of the Regents.
4. Principal State agent for:
 - Enforcing all school laws and policies determined upon by the Board of Regents.
 - Approval of school building plans.

Separate Boards or Commissions

1. Commission for Physically Handicapped: Composed of Commissioner of Education (Chairman), State Industrial Commissioner, Commissioner of Health and President of State Board of Charities.
2. Tenure Commission: Composed of 5 persons, 2 appointed by the Governor, 1 by the Commissioner of Education, 1 by the State Teachers Association, and 1 by the State School Board Association.
3. Teacher Retirement Board: Composed of 7 members, 1 appointed by the Board of Regents, 2 by the Commissioner of Education, the Comptroller of the State or 1 appointed by him, and 3 others elected by the Retirement Association.

North Carolina***State Board of Education***

1. Constitutional provision for a State Board of Education composed of the Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney General.
2. Constitutional authority to exercise "full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State, subject to such modifications as the General Assembly may provide. See Separate Boards, State School Commission, below.
3. Principal State agency for:
 - Determination of State educational policy.
 - Supervision of elementary and secondary schools. See State School Commission.
 - Certification of teachers.
 - Adoption of textbooks (with aid of Textbook Commission).
 - Supervision of school library service.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote and who shall be a member of the executive department of the State Government.
2. Shall "look after the school interests of the State," and enforce school laws and regulations.
3. Principal State agent for:
 - Determination of course of study.
 - Supervision of school building plans.

Separate Boards

1. State School Commission: Composed of the Lieutenant Governor (chairman), State Superintendent of Public Instruction (vice chairman), the State Treasurer, and 1 member of each Congressional district (11) appointed by the Governor. This Commission is vested with and exercises broad fiscal and administrative control over public elementary and secondary schools. It may modify district organization for economical administration; may increase or decrease the basic salaries of teachers; shall approve or disapprove local school budgets; shall determine the number of teachers to be employed by each school district; etc.¹⁰
2. State Board for Vocational Education: Composed of State Superintendent and 3 others appointed by the Governor.
3. State Textbook Commission: Composed of 5 members: State Superintendent (chairman), Attorney General, Director of Division of Purchase and Contract, and 2 others appointed by the Governor.
4. Board of Trustees of University of North Carolina: Composed of 100 members elected by the State Legislature, and the State Superintendent *ex officio*. Has control over 3 institutions: The State University, State College of Women, and State College of Agriculture and Engineering. All other public higher educational institutions are under separate governing boards.

North Dakota***State Board of Education***

North Dakota has no State Board of Education in the usual sense. The State Board of Administration, formerly vested with the general supervision of public schools, is inoperative so far as the supervision of public schools is concerned. See Separate Boards, below.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. "Shall have the general supervision of the public schools."
3. Principal State Agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Approval of school building plans.
 - Administration of school library service.

Separate Boards

1. State Board of Higher Education: Composed of 7 members appointed by the Governor (1939). Has control of all State institutions of higher learning; the said board appoints a Commissioner of Higher Education. The State Board of Higher Education is also authorized to act as the State Board for Vocational Education.

¹⁰ North Carolina is an example of a State in which State educational policy and professional supervision of elementary and secondary schools are separate from the State financial and budgetary control, the former being vested in the State board of education and the latter in the State school commission.

2. Board of University of School Lands: Composed of the Governor, Secretary of State, State Auditor, Attorney General, and State Superintendent.
3. State Library Commission: Composed of the Governor, State Superintendent, Secretary of State, State Auditor, and Commissioner of Agriculture and Labor.
4. Board of Trustees of Teacher Retirement Fund: Composed of State Treasurer, State Superintendent, and 3 others appointed by the Governor.
5. State Board of Equalization Fund: Composed of the Governor, Attorney General, and the State Superintendent.

Ohio

State Board of Education

Ohio has no general State Board of Education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction, appointed by the Governor, and who is a member of the Executive Department of the State Government. He has been designated by statute as the Director of Education.
2. The Director of Education is the executive head of the Department of Education which is one of the administrative departments of the State Government, empowered to recommend standards with respect to various phases of education and professional schools.
3. Principal State Agent for;
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers (with aid of Board of Examiners).
 - Supervision of school library service.

Separate Boards

1. State Board for Vocational Education: Composed of Director of Education (chairman and executive officer), Director of Commerce, Director of Agriculture, Director of Industrial Relations, and Director of Finance.
2. State Board of Examiners: Composed of 5 persons appointed by the State Director of Education.
3. State Library Board: Composed of the Director of Education (Chairman) and 4 other persons appointed by the Governor.
4. Teacher Retirement Board: Composed of The Attorney General, State Auditor, State Director of Education, and 2 others appointed from and by the Retirement Association.
5. Each State Higher Education Institution is under the control of a separate board appointed by the Governor (The State Director of Education is an ex officio member of each board).

Oklahoma

State Board of Education

1. Constitutional provision for a State Board of Education of which the State Superintendent of Education shall be a member. The Legislature has established a State Board composed of the State Superintendent as president and 6 other members appointed by the Governor.

2. Is vested by constitutional provision with "the supervision of instruction in the public schools."
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote; and who is a member of the executive department of the State Government.
2. Is ex officio member and president of the State Board of Education, the State Board for Vocational Education, and all governing boards of higher educational institutions.
3. Is vested with the "supervision and management" of the educational interests of the State.
4. Principal State agent for:
 - Enforcement of educational laws and policies of the State Board of Education.
 - Supervision of school building plans.
 - Supervision of school library service.

Separate Boards

1. Board of Regents of Oklahoma Colleges (created in 1939): Composed of 7 members appointed by the Governor. Has control of all State normal schools and/or teachers colleges, the Colored Agricultural and Normal University, and the Northern Oklahoma Junior College (at Miami).
2. State Board of Agriculture: Composed of 5 members appointed by the Governor. Has control over all State agricultural colleges.
3. All other State higher educational institutions, including the State University, are under a separate governing board appointed by the Governor.
4. Oklahoma Library Commission: Composed of the State Superintendent and 4 other persons appointed by the Governor.
5. Textbook Commission: Composed of 7 members, the State Superintendent and 6 others appointed by the Governor. Shall adopt textbooks for public schools.
6. State Retirement Fund Board: Composed of the State Superintendent, State Treasurer, and 3 others appointed by the Governor.
7. State Coordinating Board: Composed of 15 members appointed by the Governor. Duty: To promote better cooperation among the higher institutions, and to avoid duplication of courses, etc.
8. State Commission of Agriculture and Industrial Education: Composed of the State Superintendent, President of State Board of Agriculture, and the President of the Agricultural and Mechanical College. Duty: To promote agricultural and domestic science education in the Common schools of the State.

Oregon

State Board of Education

1. Legislative provision for a general State board of education composed of the Governor, State Superintendent of Public Instruction, and the Secretary of State.
2. Is vested with authority and duty to prescribe rules for the general government of the public schools. (Limited to elementary and secondary schools.) *See Separate Boards, State Board of Higher Education, below.*
3. Principal State Agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction elected by popular vote.
2. Is ex officio member and secretary of the State Board of Education, and is vested with the general superintendency of public schools and of county and district school officers.
3. Principal State agent for:
 - Enforcement of school laws and policies of the State Board.
 - Carrying out policy of the State Board for Vocational Education.

Separate Boards

1. State Board of Higher Education: Composed of 9 members appointed by the Governor. Has control over all public higher educational institutions.
2. State Board for Vocational Education: Composed of the members of State board of education and 4 other persons appointed by the Governor.
3. State Board of Textbook Commissioners: Composed of 5 persons appointed by the State board of education. Adopts textbooks.

Pennsylvania

State Board of Education (Council of Education)

1. Legislative provision for a State Council of Education composed of the State Superintendent of Public Instruction and 9 other persons appointed by the Governor.
2. Is vested with all powers and duties formerly vested in the State Board of Education and with the power and duty to equalize the educational advantages of the different parts of the State.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of the State school funds.
 - Determination of course of study.
 - Supervision of school building construction.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of public instruction appointed by the Governor.

2. Is member of the executive department of the State Government and is head of the Department of Public Instruction.
3. Is ex officio president and executive officer of the State Council of Education.
4. Principal State agent for:
 - Enforcement of school laws and policies of the State Council of Education.
 - Administration of school library service.

Separate Boards

1. The governing boards of each State teachers' college (composed of the State Superintendent and 9 others appointed by the Governor) is made an administrative board in the Department of Public Instruction. This is also true of the various examining boards for the licensing of persons to enter the various professions.
2. Pennsylvania State College Board: Composed of the Governor, State Superintendent, Secretary of Agriculture, President of the College, and 28 others appointed by the Governor.
3. Teachers Retirement Board: Composed of 7 members: The State Superintendent (chairman), State Treasurer, 1 member appointed by the Governor, 3 appointed by the Retirement Association, and 1 elected by the board.

Rhode Island

State Board of Education

Rhode Island has no State Board of Education in the usual sense. State control over education is vested in a Director of Education as head of the Department of Education.

State Director of Education

1. Legislative provision for a State director of education appointed by the Governor.
2. The Director of Education is the head administrative officer of the Department of Education which is one of the major departments of the State Government.
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of course of study.
 - Certification of teachers.
 - Approval of school building standards.
 - Supervision of school library service.
 - Administration of teacher retirement system.

Separate Boards

1. State Board for Vocational Education: Composed of Director of Education, Director of Agriculture and Conservation, and the Director of Labor.
2. Board of Regents: Composed of the Governor, Lieutenant Governor, Chief Justice of Supreme Court, Director of Education, and State Budget Director, ex officiis, and 5 others appointed by the Governor. Duty: To have general care and management of the Rhode Island State College and the Rhode Island College of Education. The Board of Regents is the head of the Division of Colleges within the Department of Education.

South Carolina

State Board of Education

1. Constitutional provision for a State Board of Education composed of the Governor, State Superintendent of Education, and not more than 7 other persons appointed by the Governor.
2. Is vested with power to prescribe rules governing different phases of the public schools.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Is vested, by constitutional provision, with the "supervision of public instruction". Ex officio member and secretary of the State Board of Education.
3. Principal State agent for:
 - Distribution of State school funds.
 - Approval of school building plans.
 - Supervision of school library service.

Separate Boards

1. State School Book Commission: Composed of the Governor, State Superintendent, Director of Division of Textbooks, 1 member of State Board, and 3 members who are county superintendents. Duty: To provide textbooks for use in public schools on a rental system.
2. Library Committee: Composed of the State Superintendent, the Director of Division of Elementary Education, the High-School Supervisor, and 4 others appointed by the State Superintendent.
3. Each State higher educational institution is under a separate governing board most of whose members are appointed by the State legislature. The Governor, and the State Superintendent are ex officio members of most of these different governing boards.

South Dakota

State Board of Education

South Dakota has no State board with general control over elementary and secondary schools. It has, however, a special Board of Regents in control of all public higher education. See Separate Boards, below.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction elected by popular vote.
2. Is vested with the "general supervision of all public schools" and of county and local superintendents of schools.
3. Principal State agent for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.

Distribution of State school funds.
 Determination of course of study.
 Certification of teachers.
 Approval of school building plans.
 Supervision of school library service.

Separate Boards

1. State Board of Education (Vocational Education): Composed of State Superintendent, President of State University, President of State College of Agriculture and Mechanic Arts, and 4 others appointed by the Governor.
2. Board of Regents of Education: Provided for by constitutional provision, composed of 5 members appointed by the Governor. This board, by constitutional provision, is vested with the control of all public higher educational institutions.
3. State Library Commission: Composed of the Governor, State Superintendent, the State Librarian, and 2 others appointed by the Governor.

Tennessee

State Board of Education

1. Legislative provision for a State board of education composed of the Governor, Commissioner of Education, and 9 other persons appointed by the Governor.
2. Is vested with certain specific powers with respect to education in general.
3. Has control over all public higher educational institutions except the State University.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.¹¹
 - Distribution of State school funds.¹¹
 - Determination of course of study.
 - Administration of school library service.¹¹
 - Administration of vocational education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the Governor.
2. Is ex officio member and chairman of the State Board of Education and also chief executive officer of the State Department of Education.
3. Principal State agent for:
 - Supervision of public education.
 - Enforcement of all school laws and rules of the State Board of Education.
 - Distribution of State school funds.¹¹
 - Certification of teachers.¹¹
 - Supervision of school library service.¹¹

Separate Boards

State Textbook Commission: Composed of the Governor, State Commissioner of Education, and 5 other persons appointed by the Governor.

¹¹ Both the State board of education and the State commissioner of education have been vested with certain authority over the subject.

Texas

State Board of Education

1. Constitutional provision for a State Board of Education whose members shall be appointed as provided by law. The legislature has provided a State board of education composed of 9 members appointed by the Governor.
2. Is vested with power to investigate all educational institutions and make recommendations concerning their efficient and economical administration.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Administration of vocational education.

State Superintendent

1. Legislative provision for a State Superintendent of Public Instruction elected by popular vote.
2. Is vested with the "administration of the school law and a general superintendency of the business relating to the public schools."
3. Principal State agent for:
 - Determination of course of study.
 - Certification of teachers.
 - Preparation of school building plans.

Separate Boards

1. Textbook Committee: Composed of 5 members appointed by the State Board of Education.
2. Board of Regents of State Teachers Colleges: Composed of 9 members appointed by the Governor. Controls all State teachers colleges.
3. Board of Directors of the Agricultural and Mechanical Colleges. Composed of 9 members appointed by the Governor.
4. Board of Regents of University: Composed of 9 members appointed by the Governor. Governs the State University and its 2 branches.
5. There are separate governing boards for each of the remaining State higher educational institutions, each being composed of 9 members appointed by the Governor.

Utah

State Board of Education

1. Constitutional provision for a State board of education, consisting of the State Superintendent of Public Instruction and such other persons as the legislature may provide. The legislature has provided 9 other members to be selected by regional school board conventions, 1 in the 7 judicial districts (populous district No. 3, selects 3 members).
2. Is vested, by constitutional provision, with "the general control and supervision of the public school system." May adopt rules to eliminate all unnecessary duplication of work or instruction in any branch or division of the public-school system.
3. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds (jointly with the State Superintendent).

- Certification of teachers.
- Supervision of school library service.
- Administration of vocational education.
- Administration of 3 State junior colleges.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction elected by popular vote, and who shall be a member of the executive department of the State Government.
2. Is "charged with the administration of the system of public instruction, and with general superintendency of the district schools."
3. Principal State agent for:
 - Enforcement of school law.
 - Approval of school building plans.

Separate Boards

1. State Textbook Commission: Composed of State Superintendent, President of State University, President of Agricultural College, Dean of College of Education (University), and 5 others appointed by the Governor. Adopts textbooks (the State constitution forbids both the State legislature and the State Board of Education from adopting textbooks).
2. Teacher Retirement Board: Composed of State Superintendent, Attorney General, Secretary of State, 1 member appointed by the Governor, and 3 members appointed by the Retirement Association.
3. The State University and the State Agricultural College are each under separate governing boards appointed by the Governor.

Vermont

State Board of Education

1. Legislative provision for a State Board of Education composed of 5 members appointed by the Governor.
2. Is vested with the "supervision and management of the public educational system, including the State School of Agriculture."
3. Shall appoint the State Commissioner of Education.
4. Principal State agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Certification of teachers.
 - Administration of State teachers colleges.
 - Administration of vocational education.

State Commissioner of Education

1. Legislative provision for a State Commissioner of Education appointed by the State Board subject to the approval of the Governor.
2. Is executive officer of the State Board of Education.
3. Principal State agent for:
 - Assisting the State Board in carrying out school law and State board policies.
 - Determination of course of study.

Separate Boards

1. Board of Trustees of State University: Composed of the Governor and the University President, and 18 others, 9 of whom are self-perpetuating, electing its own members, and 9 others elected by the General Assembly.
2. Teacher Retirement Board: Composed of State Commissioner of Education, State Treasurer, Commissioner of Banking and Insurance, and 2 members of the Retirement Association.
3. Public Library Commission: Composed of the Commissioner of Education and 2 persons appointed by the Governor.

Virginia**State Board of Education**

1. Constitution provision for a State Board composed of 7 members appointed by the Governor.
2. Is vested, by constitutional provision, with "the general supervision of the school system"; authority to divide the State into appropriate divisions; to manage and invest the school funds; "to make rules and regulations for the management and conduct of the schools as the General Assembly may prescribe"; and to "select textbooks and educational appliances for use in the schools of the State."
3. Principal State agency for:
 - Determinational of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of the State school funds.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Supervision of State school library service.
 - Administration of State teachers colleges.
 - Administration of vocational education.
 - Administration of teachers retirement system.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction appointed by the Governor; provided that the General Assembly may provide for his selection in a different manner. The Legislature has not done so.
2. Is ex officio member of the governing board of each State institution of higher learning (except State teachers colleges, which are under the control of the State Board of Education).
3. Principal State agent for:
 - Enforcing the provisions of school laws.
 - Approval of school building plans.

Separate Boards

1. Each State higher educational institution (except the teachers colleges) is under the control of a separate governing board appointed by the Governor.

Washington**State Board of Education**

1. Legislative provision for a State Board of Education composed of the State Superintendent of Public Instruction (President), President of the State University, President of the State College, President of one State Normal School, and 3 other educators appointed by the Governor.

2. Shall have general control over the common schools, the admission requirements to State higher institutions, the course of study in teacher training departments, and standards for certification of teachers.
3. Principal State Agency for:
 - Determination of State educational policy.
 - Administration of elementary and secondary schools.
 - Distribution of State school funds.
 - Determination of courses of study.
 - Certification of teachers.
 - Prescribing courses of study in teacher-training institutions even though they may be under separate governing board.
 - Administration of vocational education.
 - Coordinating the work of higher educational institutions.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote, and who shall be a member of the executive department of the State government.
2. Is vested by constitutional provision, with the "supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law." Ex officio president of the State Board of Education.
3. Principal State Agent for:
 - Carrying into effect the school laws.
 - Supervision of school building plans.
 - Supervision of school library service.

Separate Boards

1. State Library Committee: Composed of the State Superintendent, Commissioner of Public Lands, and the State Treasurer.
2. Trustees of State Teachers' Retirement Fund: Composed of State Superintendent, Commissioner of Insurance, and 3 others appointed by the State Board of Education from the Retirement Association.
3. Each State higher educational institution is under the control of a separate board appointed by the governor. Each Teachers' College has a board of 3 members, the State College 5 members, and the State University 7 members.

West Virginia¹²

State Board of Education

1. Legislative provision for a State board of education composed of the State Superintendent of Public Instruction and 6 others appointed by the Governor.
2. "Shall make rules for carrying into effect the laws and policies of the State relating to education."
3. Principal State Agency for:
 - Determination of State educational policy.
 - Educational administration of elementary and secondary schools.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Approval of school building plans.

¹² West Virginia is an example of a State in which State professional supervision and control of schools is separate from State administration of their financial support. See Separate Boards, items 1 and 2.

Educational administration of all State higher educational institutions except the State University.

Administration of vocational education.

Supervision of Teacher Retirement Fund.

State Superintendent

1. Constitutional provision for a State Superintendent of Free Schools elected by popular vote, and who shall be a member of the executive department of the State government.
2. Is vested, by constitutional provision, with the "general supervision of free schools" and such other duties as may be prescribed by law. Is vested with general supervision of all county superintendents of schools and county boards of education.
3. Is the chief executive officer of the State Board of Education.
4. Principal State agent for:
 - Enforcing school laws.
 - Carrying out the rules and standards of the State Board.
 - Supervision of school library service.

Separate Boards

1. State Board of Control: Composed of 3 members appointed by the Governor. Has financial and budgetary control over all State educational, charitable, penal, and correctional institutions.
2. State Board of School Finance: Composed of the State Superintendent (chairman), State Tax Commissioner, and the State Director of the Budget (secretary). Has financial control over elementary and secondary schools, including control over the budgeting and accounting of county boards of education. School budgets of county boards must be approved by the Board of State School Finance.
3. Advisory Board for Negro Education: Composed of 3 members appointed by the Governor. Is associated with the State Board of Education and renders advisory service thereto.
4. Board of Governors of the State University: Composed of 7 members appointed by the Governor. (Also has educational administration of the Potomac State School, a branch of the University).
5. State Library Commission: Composed of 5 members appointed by the Governor. Renders advice and assistance to school and institutional libraries.

Wisconsin

State Board of Education

Wisconsin has no State Board of Education in the usual sense. It has, however, a Board of Regents for Teachers Colleges and a State Vocational Education Board. See Separate Boards, below.

State Superintendent

1. Constitutional provision for a State Superintendent of Public Instruction elected by popular vote.
2. Is vested, by constitutional provision with "the supervision of Public instruction" and is by statute required to inspect the "common schools, graded schools, high schools" and various vocational schools, county normal schools, schools for handicapped, etc. Is ex officio member on all governing boards of educational institutions.

3. Principal State Agent for:

- Determination of State educational policy.
- Administration of elementary and secondary schools.
- Distribution of State school funds.
- Determination of course of study.
- Certification of teachers.
- Supervision of school buildings.
- Supervision of school library service.

Separate Boards

1. State Board for Vocational Education, composed of 11 members: The State Superintendent, a member of the Industrial Commission (to be selected by the Commission), and 9 other members appointed by the Governor.
2. Board of Regents of Normal Schools (Teachers' Colleges): Composed of the State Superintendent and 10 other persons appointed by the Governor. Has control over all State Teachers' Colleges.
3. The State University and the State Mining School each has separate governing boards, appointed by the Governor.
4. Free Library Commission: Composed of State Superintendent, President of State University, Secretary of State Historical Society, and 2 others appointed by the Governor.
5. State Annuity and Investment Board: Composed of the State Superintendent and 4 others appointed by the Governor.

Wyoming

State Board of Education

1. Legislative provision for State Board of Education composed of the State Superintendent of Public Instruction and 6 other persons appointed by the State Superintendent, with the approval of the Governor.
2. The State Board appoints a Commissioner of Education who, under the general supervision of the State Superintendent, shall execute the policies of the State Board of Education.
3. Principal State Agency for:
 - Administration of elementary and secondary schools.
 - Distribution of State school fund.
 - Determination of course of study.
 - Adoption of textbooks.
 - Certification of teachers.
 - Supervision of school building plans.
 - Administration of vocational education.

State Superintendent

1. Constitutional provision for a State superintendent of public instruction, elected by popular vote.
2. Is vested, by constitutional provision, with the "general supervision of public schools." The legislature makes it his duty to exercise general control of the public schools and the educational interests of the State.
3. He appoints the State Board of Education with the approval of the Governor.
4. The State Superintendent "with the State Board of Education" shall prescribe policies of educational administration, and shall recommend rules and regulations for the administration of the schools.

5. Principal State agent for:

Supervising the Commissioner of Education in carrying out the policies
of the State Board of Education.

Separate Boards

The University of Wyoming is the only public higher educational institution
in the State. It is governed by a board of trustees composed of the
Governor, State Superintendent, the President of the University, and 9
other members appointed by the Governor.

Chapter 5

Summary of Functions and Duties of State Educational Agencies and Officers

Enforcement of School Laws

STATE SCHOOL LAWS not only set forth the framework or legal organization for the maintenance and government of public education but as a rule, they embody guiding procedures and impose certain duties on State and local school officers in the management of schools. Local school superintendents, for example, are not only governed by the law but are charged with the duty of enforcing it within their jurisdiction. Failure on the part of local school boards or superintendents often make it the duty of appropriate State school officers to see that State laws are carried out. In approximately three-fourths of the States the chief State school officer (State superintendent or commissioner of education) is specifically charged with the duty of enforcing school laws, and in most States it is also his duty to carry out the rules of the State board of education. The laws of about 12 States specifically, vest this duty with the State board of education, but even in most such cases the duty is performed through the chief State school officer acting for, or as executive officer of the State board.

Appeals.—In some States both the State board and the chief State school officer have certain functions to perform with respect to the enforcement of school laws; this is especially true in connection with the hearing of legal controversies. Some examples of State provisions of this nature are: In Alabama the State board is empowered and directed to promulgate rules governing the right and method of review by the State superintendent of actions of local school boards, and the State superintendent is empowered to decide upon all controversies and to enforce the school laws and rules of the State board. In Idaho the State board of education is specifically vested with the duty of enforcing all school laws, acting through its executive officer, the State superintendent of education; the State board is also a final court of appeal in all educational controversies. The law of Kentucky provides that the State board of education shall enforce the laws relating to schools under its management and control, and that the State superintendent, who is also the chairman and executive officer of the State board, shall decide all controversies involving the proper administration of public schools.

The State board of education in Maryland is charged with the duty of enacting bylaws for the administration of schools; it shall institute legal proceedings to enforce school laws; shall decide all controversies arising under the school laws; and its decisions in such cases are final. In New Jersey the commissioner of education is required to "decide, subject to appeal to the State board of education and without cost to the parties, all controversies and disputes that shall arise under the school laws, or under the rules and regulations of the State board of education." Appeals from the New Jersey State board may be taken to the State supreme court.

Determination of Educational Policies

It appears that State boards of education are empowered to formulate the State educational policies in most of the States. Of course this is a function which is seldom regarded as distinctly separate from the duties of the chief State school officer. Obviously in the nine States having no general State board of education the chief State school officer is the principal officer for both determining and enforcing State educational policy.

The formulation of educational policy is often a cooperative function, the State superintendent making recommendations as to educational policies for the approval of the State board of education. In some States the policy-making function and the executive functions are by law expressly vested in separate authorities. For example, in the Arizona law it is provided that the State board of education shall "determine the policy" and delegate to its executive officer the "execution of all policies decided upon." In California the State board of education is declared by law to be the policy-determining body, and that the State superintendent shall execute the policies decided upon (table 30, columns 2 and 3).

Administration of Elementary and Secondary Schools

The question often arises among students of school administration as to what State agency or officer is principally responsible for the general administrative and supervisory control over elementary and secondary schools. In a given State the State board of education may be principally responsible for certain functions such as certification of teachers and adoption of textbooks, while the chief State school officer in the same State may be responsible principally for prescribing the course of study, distributing school funds, inspecting the schools, etc. Hence, in determining where principal authority over elementary and secondary schools is vested, one is required to take into consideration many phases of control (table 30). For example, columns 4 and 5 of this table are in a sense a composite of columns 2 to 17,

inclusive. From columns 4 and 5 it appears that the State board of education is the principal agency for the administration of elementary and secondary schools in about three-fourths of the States, and that in the remaining States the chief State school officer is the principal officer with respect to these schools.

STATE EDUCATIONAL AGENCIES AND OFFICERS

Table 30.—Principal functions of State educational agencies and chief State school officers as provided by law

State	(The States preceded by an asterisk (*) have no general State board of education)	State board of education or chief State school officer, principal agency for—		State board of education, principal agency for—		Separate State boards, other than State boards of education, principal agency for—	
		Board	Superintendent	Board	Superintendent	Board	Superintendent
1		Board	Superintendent	Board	Superintendent	Board	Superintendent
Alabama							
Arizona							
Arkansas							
California							
Colorado							
Connecticut							
Delaware							
Florida							
Georgia							
Idaho							
Illinois							
Indiana							
Iowa							
Kansas							
Kentucky							
Louisiana							
Maine							
Maryland							
Massachusetts							
Michigan							

THEIR FUNCTIONS AND DUTIES

89

Minnesota	X	X	X	XX	XX	X	XX	XX	XX	XX	XXXX	XXXX	XX
Mississippi													
Missouri													
Montana													
*Nebraska													
Nevada													
New Hampshire													
New Jersey													
New Mexico													
New York													
North Carolina													
*North Dakota													
*Ohio													
Oklahoma													
Oregon													
Pennsylvania													
*Rhode Island													
South Carolina													
*South Dakota													
Tennessee													
Texas													
Utah													
Vermont													
Virginia													
Washington													
West Virginia													
*Wisconsin													
Wyoming													

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¹ The State curriculum commission is authorized to recommend textbooks for adoption.

² By the State board of education.

³ Except State university.

⁴ With aid of State board of examiners.

⁵ State board of control governing each higher educational institution, subject to approval of the State board of education.

⁶ The State council on higher education.

⁷ The State board of education, which includes 2 members of the State board of study in teacher-training institutions. The State board approves courses of study in teacher-training institutions.

⁸ Plus 2 additional members.

⁹ The State board of education is principally an advisory board. The commissioner of education, through the department of education, has general management of all State teachers' colleges.

¹⁰ The State superintendent, and also the State board, each has been empowered to grant teachers' certificates.

¹¹ Apparently the legal control is vested in the State board, but it is mostly delegated to the State superintendent.

¹² The State university and the State teachers' colleges also have certification privileges, subject to the approval of the State board of education.

¹³ School budgets shall be reviewed by State board of education.

¹⁴ Teacher-training institutions are under the control of the State board of education.

¹⁵ The State superintendent shall prescribe budget forms and supervise the preparation of budgets of

¹⁶ The State school commission administers State funds for support of 8-month State school program, and is empowered to approve local school budgets.

¹⁷ The State textbook commission may buy, or rent library books, from a list selected by the State superintendent, with the approval of the State board of education; the commissioner may recommend textbooks for adoption by State board.

¹⁸ State board of education may supervise and prescribe rules for management and enlargement of each normal school. The State university and A. and M. College, and the Woman's College are under the trustees of the University of North Carolina.

¹⁹ The State board of higher education acts as the State board for vocational education, tribution and administration of State school funds.

²⁰ The State board of education may prescribe rules for the certification of teachers, and may recommend to the Governor and the legislature changes in the courses of study of any public higher institution.

²¹ The State board of education may prescribe courses for departments of education in all said institutions, and may prevent duplication of courses.

²² The State board of school finance (established 1929) has financial control of State funds for elementary and secondary schools. The State board of control has financial control of all higher educational institutions.

²³ "The State superintendent, with the State board of education shall prescribe policies of educational administration." The State board appoints commissioner of education as its executive officer.

Distribution of State School Funds

Authority to regulate the distribution of State funds for public elementary and secondary schools is vested in the State board of education in more than one-half of the States. In the other States the chief State school officer is the principal authority for this function (table 30, columns 6 and 7). In this connection a distinction should be made between the authority to regulate the distribution of school funds and the mere authority, or rather the specific duty, to distribute school funds according to law. This latter function or duty is assigned by law, or delegated by State board rules, to the chief State school officer in practically all of the States. To illustrate this point a few examples of the legal assignment of authority and duty as between the State board of education and the chief State school officer are noted here. In Alabama it is the legal duty of the State board of education to equalize school facilities insofar as practicable, and it is empowered to prescribe regulations governing the apportionment of the State minimum school program fund; and it is the duty of the State superintendent to make annual apportionment of school funds according to law and to regulations of the State board. The Florida law provides that the State board of education shall make necessary rules for the "administration of the common school fund;" it shall, so far as possible, equalize education throughout the State; shall for this purpose divide the various units of administration into five groups in accordance with the density of population; and shall determine the number of teachers to be employed; taking into consideration the average daily attendance therein, etc. The Georgia chief State school officer prepares forms for use by local school boards in submitting their budgets and may approve such budgets when authorized by the State board of education.

North Carolina and West Virginia have undertaken the rather novel experiment of separating the State educational policy and the professional supervision of public elementary and secondary schools from the financial and budgetary control of such schools. For example, in North Carolina the State school commission exercises broad financial control over the elementary and secondary schools, including the authority to modify school district organization, transportation, the number of teachers to be employed by each local administrative unit and their basic salaries, and the approval or disapproval of local school budgets, etc. In 1939 the legislature of West Virginia established a State board of school finance vested with financial control over elementary and secondary schools, including control over the budgeting and accounting of county boards of education, and required that county school budgets be approved by the said State board of school finance.

Determination of the Course of Study

The authority to determine or regulate the course of study in public elementary and secondary schools is vested by law in State boards of education in 31 States (table 30, columns 8 and 9). This is an area in which there is considerable variation in the exercise of functions, separately or jointly, as between the State board and the chief State school officer. In some States this function is exercised to a considerable extent directly by the legislatures, which have by law required many subjects to be taught in public schools. State laws frequently made it the duty of chief State school officers to recommend or prepare courses of study for the approval of the State board of education. For example, in Florida the State superintendent shall prepare, organize, and recommend to the State board of education for its approval, such minimum standards and rules as he may find necessary relating to the course of study and instructional aid, and he shall execute such standards and rules as are adopted by the State board. Likewise, in Kentucky the State superintendent shall prepare for adoption by the State board of education the minimum course of study and scope of instruction to be offered in the various classes and grades of the schools and the minimum requirements for graduation therefrom. In Maryland the State superintendent is directed to prepare, or cause to be prepared, and submit to the State board of education, courses of study for the elementary and secondary schools and also the courses of study for State teachers' colleges.

Adoption of Textbooks

Slightly more than one-half of the States have established systems for State-wide adoption of textbooks. In these States this function is exercised either by the State boards of education or by a separate body usually referred to as a textbook commission. By reference to table 30, columns 10, 11, and 23, it will be seen that State boards of education are authorized to adopt textbooks in 13 States and that in 13 other States textbook adoption is in the hands of the State textbook commission.

A few State legislatures have established close relationships or cooperative arrangements between State boards of education and State textbook commissions. For example, in California the State curriculum commission makes recommendations as to textbooks and the State board of education is required to give the commission a public hearing before making any adoption of textbooks for use in the elementary schools. In Nevada the State textbook commission is composed of members of the State board of education and four additional members appointed by the Governor. Utah has established a rather novel system whereby the State board of education appoints

a committee to determine what changes, if any, shall be made in the courses of study and to recommend same to the State textbook commission. The North Carolina legislature has provided for a textbook committee of experienced educators to examine textbooks and make recommendation as to books to be adopted to the State board of education and vesting in the State board the legal authority to make the actual adoption or approval of books.

Certification of Teachers

By reference to table 30, columns 12 and 13, it appears that legal authority over the certification of teachers has been vested in State boards of education in more than 30 States. In the remaining States this function, with few exceptions, is vested principally in the chief State school officer.¹ In many States in which the authority to regulate the standards for certification is vested in the State boards, the actual issuance of certificates is usually done by the chief State school officer acting for the State board of education.

In the State certification of teachers both the State board of education and the chief State school officer often exercise joint or co-operative functions. It is customary for the chief State school officer to prepare and recommend for approval of the State board of education rules governing the training and certification of teachers, as in Alabama. In Florida the State superintendent of public instruction shall issue teachers' certificates in accordance with rules of the State board of education, which is empowered to prescribe the types and classes of certificates and the requirements for both. The Indiana board of education is required by law to issue all certificates, through its executive officer, the State superintendent of public instruction, who shall offer recommendations to the State board in all matters concerning the requirements for certificates. In Maryland the State board is charged with the duty of prescribing rules and regulations for the issuing of teachers' certificates by the State superintendent of schools. The New York Legislature makes it the duty of the State commissioner of education to prescribe, subject to the approval of the State board of regents, regulations governing the certification of teachers.

School Building Laws

State supervision and control over the construction of school buildings is provided for by law in most of the States. In most States these laws are a part of the public school code, while in other States school building plans must conform to certain provisions of State laws governing the construction of public buildings in general.

¹ In Missouri the State superintendent of public instruction, the State university, and the State teachers colleges have certification privileges.

Varying degrees of administration or supervisory control over the construction of school buildings, their plans, specifications, etc., are expressly vested by law in State boards of education in at least 15 States, and in 19 other States such functions are vested in the chief State school officer. (Table 30, columns 14 and 15). It is probable that in additional States the State board of education and/or chief State school officer, by reason of general terms of the law, impliedly, exercise supervisory or regulatory functions concerning school building plans, construction, etc. In Colorado the construction of school buildings is under the supervision of the State planning commission.

School Library Service

Many State legislatures have enacted provisions for State school library service under the supervision and control of the State. It appears that at least one-third of the States have expressly vested State boards of education with this function. Doubtless this function is impliedly vested in the State board of education in some additional States (table 30, columns 16 and 17). The table also shows that the chief State school officer is vested with certain functions in connection with the maintenance of State school library service in approximately 20 States. Of course the function of exercising general supervision over school libraries is either expressly or impliedly vested, as a rule, in the chief State school officer in all those States not having a general State board of education, even in the absence of expressed provisions to that effect. Many State laws have established State library commissions which function under varying types of library service. Their functions in regard to school libraries, however, are principally advisory in character, and in some instances the chief State school officer is an *ex officio* member of the library commission. It appears that library commissions rendering service of this type exist in about 31 States (table 30, column 22).

State Control Over Higher Educational Institutions

The State boards of education have been vested with varying degrees of administrative and supervisory control over higher educational institutions. For a brief summary of this subject attention is invited to table 30, columns 18, 19, 24, 25, 26, and 27.

1. *Teachers' colleges.*—In more than a dozen States all State teachers' colleges are under the administrative control of the State board of education. In a few other States the State board is vested with some supervision with respect to teachers' colleges. For example, in Florida the State board of control is vested with the management of the higher educational institutions and with authority to make rules governing the same, not inconsistent with the general rules of the

State board of education. Under the Florida arrangement the administration of the State educational institutions by the State board of control is subject to the supervision of the State board of education. Kentucky offers another interesting example of partial control by State boards of education of State higher educational institutions. Each public college in Kentucky has a separate governing board, but the State council of higher education, which includes two members of the State board of education, coordinates the work of the colleges, and the State board of education approves the courses of study in teacher-training institutions. In the State of Washington the State board of education may approve entrance requirements of State higher educational institutions, may prescribe courses for departments of education in said institutions, and may prevent duplication of courses.

In 9 other States public teachers' colleges are under the control of a separate State board, generally referred to as a State teachers' college board. Boards of this nature are established primarily for the administration of teacher training institutions (table 30, column 26).

2. *All public higher educational institutions.*—In approximately a dozen States the State board of education is vested with general control of all public higher educational institutions, except the State university in a few States. In a few additional States certain functions with respect to all higher institutions also are vested in the State board of education (table 30, columns 19, 24, and 27). It will be seen from column 24 of the table that most State universities are under separate governing boards. In a few States such as Florida and West Virginia a State Board of Control exercises certain functions with respect to public higher educational institutions (table 30, column 27).

The laws of approximately 20 States provide separate boards for each State higher educational institution (table 30, column 24).

Vocational Education

The general State board of education in 34 States is vested by law with the duty of cooperating with the Federal Government in administering the provisions of the Federal Vocational Education and Rehabilitation Acts. In the remaining 14 States separate State boards especially for this purpose have been established (table 30, columns 20 and 21).

Teacher Retirement Systems

Where State-wide teacher retirement systems have been established legislatures in most instances have placed their administration under the control of a separate governing board (table 30, column 28). It

is customary to provide that certain fiscal officers such as the State treasurer, State insurance or banking commissioner (or chief State school officer) be ex officio members of such retirement boards together with other members who are selected from the respective State retirement associations. In some States the State boards of education have been designated as the board for the administration of State teacher retirement systems.

Chapter 6

Observations and Recommendations

IN THE FOREGOING sections of this report an analysis of the laws of the several States relating to State boards of education and to the chief State school officer is presented. This section of the report contains observations and recommendations concerning most of the legal provisions previously presented. It is, of course, understood that the recommendations may not be applicable to every State and that *there is no thought that there should be uniformity among the States* in their detailed provisions for State boards and chief State school officers. The concepts regarding State boards of education and the chief State school officer presented herewith are in general agreement with the concepts as expressed by State school survey commissions in their reports and as expressed by recognized authorities on school administration in their writings.

The State Board of Education

Need for a State board of education.—Practice indicates that it is a sound principle of administration for any major business enterprise to have a governing board to determine general policies and to pass upon major administrative actions. Since public education may be regarded as a major social enterprise it would seem, as in the case of a business enterprise, that a State board of education is needed to adopt in conformity to State laws policies relating to the administration of the State school system. If the superintendent of schools has the counsel of a board of education, the management of a school system, State or local, is more likely to be flexible, adaptable, well balanced, and more nearly representative of the interests of the people than if the superintendent alone determines policies.

A State board of education, provided it is composed of members whose terms expire at different times, is needed to prevent sudden changes in policies. If there is no State board of education, the policies of the chief State school officer when he fails to be reelected or reappointed may be almost entirely disregarded by his successor. If, however, there is a State board of education with policy-determining functions it can decide what policies should or should not be changed.

Scope of control.—There is general agreement on the part of State school survey commissions that there should not be a multiplicity of State boards and agencies dealing with public education. It would

seem that the lack of coordination and consequent ineffective action often accompanying division of authority and duplication among the several State agencies or agents would be eliminated by giving the State board of education general control of the various educational interests of the State. This will mean that the State board should have under its jurisdiction public elementary and secondary schools, vocational education, residential schools for the deaf and blind, training schools for juvenile delinquents, teachers colleges, and all other publicly supported higher educational institutions.

There is, however, a difference of opinion as to whether the State board of education should have control of the State schools of higher education other than those whose chief function is to prepare teachers. In some States it may not be immediately feasible to place all the publicly supported higher educational institutions under the State board because some of these boards are not properly constituted for effective work in all educational areas.

Consideration of the question of having only one State board for all areas of education should at the same time be accompanied by consideration of:

1. The size and composition of the board in order that it may be competent to function in various educational areas included under its jurisdiction.
2. The division of responsibilities between the board having jurisdiction over all areas of education and the administrative head of each area.

Powers and duties.—The powers and duties of State boards of education as now constituted vary from a few in some States to numerous powers and duties in other States. Among the specific powers and duties that should be assigned a State board of education are the following:

1. To formulate and adopt educational policies.
2. To appoint a chief State school officer.
3. To appoint, upon the nomination of the chief State school officer, such assistants to him as are deemed necessary.
4. To present to the Governor a budget covering the necessary expenses of the department of public instruction, and a budget setting forth the amount of State funds that should be appropriated to the school districts of the State and to such institutions as are under the control of the State board.
5. To adopt such rules and regulations in conformity with State law as may be necessary for its own government and for the government of all its employees.
6. To decide appeals from decisions of the chief executive officer.
7. To recommend to the Governor and the State legislature such legislation as the board deems necessary for the improvement of the schools under its jurisdiction.
8. To prescribe subjects to be taught in the elementary and secondary schools of the State.

9. To adopt forms and blanks recommended by the chief State school officer for the use of local school boards in supplying the State department with such information as may be deemed necessary.
10. To adopt rules and regulations for the construction of school buildings.
11. To adopt rules and regulations for the certification of teachers.
12. To determine the number and location of State teachers colleges.
13. To have final approval of the consolidation of schools and of school districts.
14. To see that all the laws relating to the schools under the board's jurisdiction are complied with.

Selection and composition.—State boards of education are composed of members (other than ex officio) appointed by the Governor, elected by the people, by conventions of local school boards, or by the State legislature. Appointment by the Governor is in harmony with the theory that full responsibility for each branch of State government should be centralized in the executive of the State. Election by the people on a nonpartisan ballot represents more nearly than does appointment by the Governor a direct expression of the people's interest in the control of the State school system. This method may, however, have the disadvantage of campaigning and the consequent difficulty of inducing persons highly qualified for the position to become candidates but who would accept an appointment by the Governor.

Election by conventions of local school boards, as in Utah, where there are only 35 school districts, is a method worthy of consideration and study by States contemplating a change in their methods of selecting State board members. In Utah the members of the State board are elected by seven regional school board conventions composed of all members of city and county district school boards of each of the seven judicial districts in the State. By this method, especially in a State having few school boards, it should be possible to have men and women of high qualifications appointed without regard to political affiliations.

There should be no ex officio members. A person may be highly qualified to serve as a State officer for the position to which he is elected, but it does not follow that he is qualified to serve on a State board of education or that he is interested in serving on such board. State officers are elected not because of their fitness for State board membership but for their fitness for the particular office for which they are elected. Moreover, the duties of the State officers, as the Governor and attorney general, are such as to require so much of their time that they can give but incidental attention to duties as members of the State board of education. The chief State school officer should not be a member of the board, since the person who is to execute policies should not be a member of the board that determines the policies.

Since the State board of education should be a policy-determining body representing the people, it should be composed of laymen rather than educators. At least no one should be a member of it who is under the jurisdiction of the board. Since many matters coming before the board are of special interest to the members representing educational institutions, it is only natural for such members to be loyal to the institutions they represent. Professional educators, as such, are not needed on boards of education, since the chief State school officer and his professional staff are qualified to give the members of the board all the professional information necessary to guide them in their deliberations.

Number of members.—A State board of education should consist of enough members to be representative of the various interests and sections of the State. It should, however, not be so large that it cannot function effectively. The number of members usually recommended by State school survey commissions is 7 or 9.

Term of office.—In general, the term for which school board members are elected or appointed should be such that the term of only one member should expire each year, or such that the length of term is the same as the number of members. If, for example, a board consists of 5 members the term would be 5 years, and if it consists of 7 members the term would be 7 years. If the terms of all or of a majority of the members expire at the same time an entirely new board or a board composed of a majority of new members who may know nothing about the policies of the previous board might be appointed. Under such circumstances the board might adopt new policies which would result in revolutionary rather than in evolutionary changes.

Compensation.—In some States there is a nominal salary or a per diem for State board members. The payment of either a nominal salary or of a per diem, unless the per diem is in lieu of expenses, may be questioned. If it were the function of State boards of education to administer the schools there might be a reason for the payment of a salary. Since State boards are not executive bodies, since they meet only a few times a year and for about a day at a time, and since there are in every State highly qualified men and women who are willing to serve the schools of their State without remuneration, the payment of a salary seems unnecessary. If a salary were attached to the office it is doubtful whether the qualifications of State board members would be any higher than at present. In fact, the members of the board might be less well qualified, since a small salary might be a sufficient incentive to some persons to seek an appointment on the State board. Any person who has no more interest in the schools than the salary has no place on a board of education. Experience in the States and in the cities has shown that public-minded citizens who are interested in the schools have not been deterred from serving

on boards of education because no salary is attached to the position. The necessary expenses for travel and subsistence for attendance at board meetings, however, should be provided.

The Chief State School Officer

When the States began to provide for chief State school officers public education was considered largely a local matter and usually the only functions of such officers were to prepare reports, to interpret the school laws, and to distribute State funds to the school districts. Their duties for many years were largely of a clerical nature and in some instances were performed by State auditors, treasurers, or other State officers. Since education is now regarded as a State responsibility and since greater and greater responsibilities have been assigned to the chief State school officer the position should be the most important educational position in the State. It is not always so regarded, however, partly because of the early concepts concerning the office, which have changed very slowly; partly because of the method of selection; and partly because of the salary attached to the office, which is usually much less than the salaries of city school superintendents and State university presidents.

Before the office in general can assume the importance due it, consideration should be given the following matters:

Selection.—Of the three methods of choosing chief State school officers—election by popular vote, appointment by the State board, or appointment by the Governor—election by popular vote is the least desirable. Appointment by the Governor doubtless has some advantages over popular election, but this method has not been such in every case as to make it the most desirable method. The method recommended by authorities in school administration and in State school survey reports is appointment by the State board of education. As stated by P. P. Claxton, former United States Commissioner of Education:²

In most of the States the mistake was made of supposing that this Office (that of chief State school officer) could be made a political office subject directly or indirectly to the vicissitudes of partisan government, as if, forsooth, the political parties as such ever advocated different educational policies and as if the people would tolerate partisan influence in their schools. * * * Nominating conventions have all too often left this office to the last and then chosen a candidate for it to placate some partisan or sectarian faction or to give recognition to some neglected region of the State. Governors in appointing chief State school officers have frequently been guided by similar motives, or worse still have made this appointment through personal favoritism or in recognition of partisan obligation.

² U. S. Department of the Interior, Bureau of Education, Bulletin 1920, No. 46, p. 2.

If the chief State school officer is elected by popular vote the political parties are limited in their nominations to members of the parties. They are also limited in their nominations to residents of the State, whereas the chief State school officer should be selected from the country at large as are city school superintendents and university presidents. No matter how efficient an elected chief State school officer may be he is likely, when his term expires, to have opposition at the primary election and is almost certain to have opposition at the State election. This is especially true in those States in which there are two major political parties, and as a result of this opposition he may be defeated.

It is true that efficient chief State school officers have been elected by popular vote, but on the whole this method has not resulted in the choice of persons so well qualified for the position as has appointment by the State board. Reeder says on this point:

In State board appointments the merit basis seems to have been kept in mind more perfectly than in any other methods of selection, because checking from 1899 to 1938 against "Who's Who in America" the names of those who have held office shows that State board appointments have secured persons of eminence much more frequently than popular election and gubernatorial appointment.

In the States which do not have State boards of education the chief State school officer should be appointed by the Governor. This method permits of a wider range of choice than does popular election, and it has in a number of instances resulted in the selection of persons well qualified for the position.

Term of office.—The term of office should be such as to permit the persons selected for the position sufficient time in which to demonstrate their fitness for the office. A 2-year term as provided in several States does not allow enough time for a new chief State school officer to become acquainted with the duties of his office and to put into operation any new or far-reaching policies that the State board may adopt, or in the absence of such board the policies that he deems necessary for the improvement of the schools of the State. A term of at least 4 years should be provided, and after that period he should be given indefinite tenure if his services have been satisfactory.

Salary.—Considering the importance of the office and the manifold duties of the chief State school officers, their salaries in some States are inadequate as compared with the salaries of city school superintendents and of State university presidents. The comparatively low salaries are doubtless due largely to the fact that in most States they are fixed by statute and in several by the State constitution. In such cases it is difficult to change the salary in order to secure the

* Reeder, Ward G. *The State Board and State Department of Education*. Columbus, Ohio, The Ohio Education Association, 1939. p. 21.

best qualified person for the position. City boards of education and university boards are free to fix salaries. Such boards when seeking an executive officer frequently decide who is best qualified for the position and then fix the salary. A State board of education, as well as a city school board or a university board, should have authority to fix the salary of its chief executive officer. The salary should at least equal that of any other school executive in the State who has comparable duties.

Qualifications.—The legal qualifications for chief State school officers in general relate only to age and residence. In only a few States are qualifications of an educational nature prescribed by law, and in some of these States the educational qualifications are expressed in such general terms that it is difficult for the appointing officers or for the electors to decide when candidates for the office meet the qualifications. In those States in which chief State school officers are appointed legal prescriptions of qualifications may not be necessary, but in order to safeguard the position from election or the appointment of persons educationally and professionally unqualified for it certain minimum qualifications should be provided by law. Such qualifications should include graduation from college, 2 or 3 years of graduate work of a professional nature, and a specified number of years of experience in the field of education. There are, of course, certain personal characteristics that should be considered by State boards, Governors, and the people when they are choosing chief State school officers.

Powers and duties.—The number of powers and duties assigned by law to the chief State school officer varies among the States. In some States numerous powers and duties are listed in the school codes and in other States only a few are listed. In those States having State boards of education the number of powers and duties assigned by law to the chief State school officers doubtless need not be as great as in the States in which there are no such boards, since some of the powers and duties can be assigned by the State boards.

Among the powers and duties that should be assigned either by law or by the State board of education to the chief State school officer are the following:

1. To have general supervision of the public schools.
2. To act as the executive officer of the State board of education, and if there is a separate board for vocational education to act as its executive officer.
3. To nominate, as needed, the members of his professional and clerical staff and to recommend the removal of any employee whose services are so unsatisfactory as to warrant such action.
4. To prepare the content of each State course of study and to approve courses of study for use in local school districts.
5. To prepare for submission to the State board of education, or if there is no State board, to the Governor, a budget for the current expenses of the

State department of education and a budget setting forth the amount of State funds that should be appropriated to the school districts of the State and to each of the institutions of the State under the control of the State board of education or under his supervision.

6. To interpret the school laws and to decide such controversies as may be appealed to him by teachers and others from the decisions of local school boards.
7. To prepare forms for reports from local school districts and from State educational institutions to the State department of education.
8. To evaluate credentials and to issue certificates to teachers, principals, and supervisors.
9. To approve school sites and school building plans.
10. To withhold State funds from school districts not complying with State laws.
11. To review proposals for the consolidation of schools or of school districts and to submit his recommendation to the State board.
12. To make reports to the State board of education and to the Governor regarding the status of the schools in the States and the needs of the schools, and to make recommendations for their improvement.
13. To approve curricula for teacher preparing institutions.
14. To distribute State school funds.